

# Immersive Justice

The Impact of Face to Face Communication and Video Mediated  
Communication in the Quality of Discussion and Deliberation in the  
Justice Process

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## Abstract

In an increasingly digital world, video-mediated communication is becoming more prominent. Video technology is already being used in courtrooms, with a potential future for a distributed and remote courtroom. This thesis investigates how the quality of discussion is impacted across a video-conferencing system and face-to-face communication, with the aim of comparing the participant perspective with observations to create a well-rounded understanding of group dynamics. Participants watched a mock trial before deliberating the problem via both video-mediated and face-to-face communication in groups of three, with sessions recorded and transcribed for data analysis. The data was analysed from three different angles: Interaction Process Analysis, Interruption Occurrences and Observation; and was supplemented with participant surveys. The results showed that video-mediated communication had a higher occurrence of interruptions and lower levels of eye contact, while face-to-face communication had higher occurrences of back channel utterances to show active listening. Future research should look into using a more sophisticated video-conferencing system to combat the eye contact issue, but other than that the quality of discussion was not impacted by the medium of communication.

The work presented in this thesis is, to the best of my knowledge and belief, original except as acknowledged in the text. I hereby declare that I have not submitted this material, either in full or in part, for a degree at this or

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## Chapter One - Introduction

The court, in its traditional sense, is a symbol of the ideals of justice and due process (Rowden, 2015), however, in the digital age it is essential to consider how technology and the courtroom will interact. A distributed court refers to dispersed sites, connected by video links to carry out the process of justice (Tait et al, 2017). Video conferencing is already used in a variety of ways within the Australia courtrooms, as a means for vulnerable parties to present evidence, for prisoners in correctional facilities to appear remotely, as an alternative to circuit hearings, pre-trial conferences, and on at least one occasion in Victoria, for a magistrate to be bought on-line to hear a list of matters in a country court (Wallace, 2008). This thesis will consider the applicability of video-conferencing to the wider justice process, investigating the impact that the medium of communication has on the quality and structure of group discussion.

The research undertaken for this thesis analyses a mock sample jury in two conditions: co-present and mediated by video chat platform on iPads. A combination of observation, content analysis and survey responses build a picture of whether the quality of discussion and deliberation, with participants acting as the jury in a manslaughter case, was impacted by the medium through which they were deliberating. Should the research demonstrate that the video technology allows effective decision making and discussion, there is potential application for this technology within other spaces, beyond the justice system, including business and education.

The immersive courtroom has a number of different names, including a distributed courtroom and a remote courtroom, but in essence it is a courtroom which has merged with technology to create the possibility of remote justice. As stated by Licoppe and Dumoulin in 2015, video-mediated communication offers a more cost and time effective alternative to a co-present court proceeding. This idea is further backed up by research from Wallace (2012), who demonstrated that, in a case study of forensic witnesses, it took 5.27 hours longer to present evidence in person than it would to present it via video link.

Previous research presented in the report ‘Toward a Distributed Courtroom’ has already investigated the use of video-mediated communication from an observer’s

perspective. This thesis will aim to bridge a gap in participant perspective, whilst also adding to the discussion by attempting to locate the differences between deliberation on a video-conferencing medium and deliberation in a co-present face-to-face situation. The methods of data analysis were focused around small group interaction analysis and observation.

Interaction Process Analysis refers to the methodology created by Robert Bales (1950) to understand how small groups interact. Bales' method involves six interlocking functional problems – orientation, evaluation, control, decision, tension management and integration that human interaction on a face-to-face level has at least certain formal similarities wherever we find it. Interaction Process Analysis is based on the assumption that the twelve Bales categories represent a reliable, complete and systematic set of carefully defined concepts, which can be used as lenses for observing any kind of face to face group (Butler and Cureton, 1973). Further, assuming the subject and content that the participants are exposed to and the size of the group, a certain degree of consistency may be expected (Borgatta and Bales 1953). This was kept in focus when designing the research project for the thesis. Participants all watched the same mock trial, were given the same information, the group size was consistently kept at three and were each given a consistent time of twenty minutes in which to deliberate, with the only differing factor being the medium through which they deliberate. As identified by Sindoni (2014) video-mediated communication is the closest technology has come to replicating the face-to-face model, so therefore, the Bales' methodology can be adapted and used to analyse the small groups in both conditions.

Research in a similar area has been undertaken by van der Kleij, Paashuis, Langefeld and Schraagen (2004), who compared participants in a video-mediated condition and a face-to-face condition and had them solve a trivia question. van der Kleij, Paashuis, Langefeld and Schraagen analysed their data through observation of turn-taking, interruptions and simultaneous speech events. Despite the findings of their research indicating that the video-mediated condition was likely to have less interruptions, their long-term research demonstrated that the early discrepancies between the two conditions ceased to exist due to technological adaptation. Given the nature of technology some fourteen years on from that research, and having seen an influx in video mediated technologies, I expect that the findings of this thesis may

not line up with the early findings and that uncertainty with the medium will not be a deciding factor. Rather, lack of visual body language and eye contact in the video-mediated condition may lead to more interruptions.

Interruptions are a core element in any conversation, though the exact definition of what classifies as an interruption is up to the interpretation of the individual. Conversations can be characterized in terms of the length of pauses, the duration and number of turns, and number of interruptions (Sellen, 1995). Drummond (1989) provides a working definition of an interruption for the purposes of this thesis, describing it as an incursion on a speaker's turn which occurs more than two syllables from the beginning or the end of the current speaker's turn. The two exceptions provided by Drummond (1989) are interruptions which occur near the natural turn of the speaker and interruptions which are for the purpose of supporting what the speaker is saying. Roger and Schumacher (1983) provide a categorical breakdown of the types of interruption: successful, unsuccessful and back channel utterances. To determine whether an interruption is to be coded as successful or unsuccessful, it depends whether the second speaker successfully prevents the first speaker from completing their turn in the conversation, thus creating a successful interruption, or if the first speaker does not cede the floor to the interruption (Roger and Schumacher, 1983). The back-channel utterance occurs when a person verbalises a short utterance such as 'yeah', 'huh', 'oh' (Makri-Tsilipakou, 1992) at any point during the speaker's turn without an indication of further interruption, whilst the final codable interruption in this thesis is a simultaneous speech even which occurs when a participant anticipates the speaker's point and says the same thing or formulates a supportive statement which may overlap with the current speaker's turn (Makri-Tsilipakou, 1992) or if at the end of the speaker's natural turn, two speakers begin the next turn simultaneously.

In terms of interruptions, my hypothesis is that unsuccessful interruptions will occur more commonly in the video-mediated condition, due to individuals being unable to read the body language clearly. This is an aspect that could be overcome with a more sophisticated technology, as using Zoom Video Conferencing on an iPad does not provide the highest quality video conferencing. Conversely, it is also possible that there will be more successful interruptions in the video mediated condition. However, I believe that the difference between a successful interruption and an

unsuccessful interruption is more based on the individual participants and their own awareness and motives, rather than being directly influenced by the medium of communication.

Secondly, the literature suggests that interruptions and simultaneous speech events will occur more commonly in the face-to-face condition. While I have hypothesised that this will not be the case in terms of interruptions, I believe it still may be possible for simultaneous speech events, where participants in the face-to-face condition are able to anticipate what the speaker is going to say, and make the statement at the same time or repeat it in order to create a sense of comradery and agreement.

Finally, I believe that, despite potential differences in the types of interruptions, the actual quality of the discussion between the groups will not be significantly different. We have moved to a more technological society, and willingly embrace communication on a video-mediated platform. This familiarity is likely to create a type of technological adaption, as seen in van der Kleij, Paashuis, Langefeld and Schraagen (2004), whereby both the face-to-face condition and the video-mediated condition levelled out over time until there was minimal difference in terms of turn-taking, interruptions and simultaneous speech events.

In order to test these hypotheses and find answers to the question whether the medium of communication impacts upon the quality of discussion, there will be four different collections of data produced for comparison.

Analytic observation is the first step in the data coding process. This is a qualitative approach to formulating opinions based on group dynamics and content of the discussions. Its purpose is to provide a creative and vibrant picture to fill in the bones that will be provided by the statistics of the other data in the thesis. It will also act as a cipher, unlocking answers to participant observations whereby you can identify why a participant responded in a certain way to the survey.

As previously mentioned, Bales' (1950) Interaction Process Analysis will provide a means to code data provided by the group interactions across both conditions for comparison. As a degree of consistency can be expected when conditions are kept similar, it will allow for quick analysis to determine whether the groups place a different emphasis on each of the Bales' categories. I expect that both groups will see

a high instance of Category Five, gives opinion, due to the nature of them acting as a jury and being required to discuss the evidence that they have been provided for the purposes of coming to a decision.

Interruptions are a core focus on the hypotheses of what I expect to find from the data. In order to code and analyse the interruptions, it is necessary to create a means of data collection which lends itself to creating a means to determine the occurrences of each interruption type. To achieve this, while observing the video, each recognised instance of an interruption will be coded across a timeline table which will later be converted into visual charts for comparison.

The final aspect of data collection is the survey that the participants fill in at the conclusion of their deliberation. As one of the purposes of this survey is to attempt to provide a participant perspective when it comes to actively using video-conferencing technology in the justice process, the responses to the survey are a critical piece of data. The also keep the observations honest, as what may be observed externally from speech and body language may not be reflective of the individual's opinion.

Hopefully, the results of this thesis will help in the development of the immersive courtroom. If, as hypothesised, there is limited practical difference between the deliberation face-to-face and through the video-mediated condition, it suggests that it may be viable to extend the application of video-conferencing technology in the courtroom. Possible applications include a magistrate hearing a case remotely, saving time and money that travel to or from a remote location would incur; two judges discussing a case without needing to meet up, further development could also see a document file be included in the video conferencing platform; all parties in a court case entering a courtroom remotely via technology and application for arbitration and mediation from a remote location.

## Chapter Two - Literature Review

### Immersive Courtroom

While the court symbolically represents ideals of justice and due process (Rowden, 2015) it is essential to consider how technology and the courtroom will interact. The concept of a hearing is entrenched in the principle of co-presence and the idea of physically appearing in front of a judge, implying the need to ensure an adequate visual relationship and complete immersion within the space (Licoppe and Dumoulin, 2010). A distributed court refers to dispersed sites, connected by video links to carry out the process of justice, with the aim of recreating the sense of a co-present courtroom through these video links, with the aim of overcoming existing problems with the current video link systems in the courtrooms including that speakers being unable to make eye contact and missing verbal and nonverbal cues. (Tait et al, 2017). The adoption of technology is likely to be one of the distinguishing features of the twenty first century (Lederer, 2005), but what needs to be determined is how individuals will interact with the technological changes to a traditionally co-present situation.

Video-mediated communication is an economical and managerial solution (Licoppe and Dumoulin, 2015) offering a more cost and time effective alternative to a co-present court proceeding. Changes to the existing processes will affect the public, whom will likely find themselves involved in the justice process at some point, whether as a juror or a party, with video-mediated technology offering improved access to justice (Rowden, 2015).

Previous research presented in the report ‘Toward a Distributed Courtroom’ has already investigated the use of video-mediated communication from an observer’s perspective. This research saw both parties, the defence and the prosecution, appear remotely to address a judge and a jury which were on location in the courtroom (Tait et al, 2017). The research identified the perceptions of a number of ‘jury members’ selected from the public for the duration of the research. There was little difference between perception of the accused whether he was in court or appearing via video link, however, there was a notable difference between perception when he was seated next to his lawyer and when he was not (Tait et al, 2017). Interestingly, there was differences in the findings of the jurors who were exposed to the case both in court

and remotely, with those who saw the defendant remotely alongside his lawyer actually having the most accurate verdicts (Tait et al, 2017). While the previous research has focused on the role of the observer, this thesis will instead look at a participant's perspective.

Licoppe and Dumoulin (2015) identify that the court hearing has traditionally been an example of a public meeting, with the appearance of the 'present body' required to ensure fairness. Protection of children in sexual assault cases saw testimonies recorded and replayed during court, the one of the first instances breaking this required physical presence, as the process was extended to other witnesses which need to appear anonymously. Conversely, video conferencing was not introduced as a measure of protection, but rather as an economical and managerial solution. Licoppe and Dumoulin (2015) state that this is reflected in France where the Chancery established a policy to technologically equip all jurisdictions and prisons with the explicit view of reducing travel costs.

Ideally, video-conferencing allows people in different locations to see and speak with each other in real time, with locations linked through video and audio communication technology (Roth, 2000). Roth notes that whilst video-conferencing was once considered a 'futuristic possibility', it has grown into an indispensable tool for business, government and the private sector. Roth (2000) highlights that video conferencing offered a more economical approach in certain circumstances, however, the initial cost of upgrading court rooms to support the new technology and continued maintenance was substantial. Since then, however, most court systems have some form of video conferencing technology available.

One of the major challenges with a focus on a distributed courtroom and remote access via video, is maintaining the ambiance and feel that being present in the courtroom creates. Rowden (2015) looks at the symbolism of a court building through an architectural viewpoint, and the effect that a distributed system will have on the symbolic function of the courthouse. She argues that the existing symbolisation of the courthouse as the ideals of justice and due process, of the law being present and in operation does not need to be lost, but rather reimaged in the distributed space. An earlier report, 'Gateways to Justice' (Rowden et al, 2013), identified that maintaining the familiarity through well-designed orientation and

acknowledging the existing court rituals can help minimise the stress for remote participants in justice. While are benefits to video conferencing, including speeding up court processes or enabling evidence which may not have been obtained otherwise, research participants identified that it impacted upon the phenomenology of the trial, with many suggesting an identified feeling of loss (Rowden, 2015). Courts a simultaneously concerned with the power of courthouse symbolism reflecting the ideals of society, and with improving access to justice. Video mediated technology is one potential solution for the latter, connecting those in remote areas to justice, however, video technology also loses the former, creating a disconnect with the cultural symbolism of the courthouse (Rowden, 2015).

Wallace (2012) discusses how Australian courts are increasingly using video conferencing technology in the courtroom, with defendants in correctional facilities, witnesses, lawyers the public and even judges being linked remotely to the courtroom. Research into the time taken for forensic officers to give evidence in person as opposed to giving evidence via video conference revealed that it took, on average, 5.27 hours longer to give evidence in person, and if the forensic officer was required to give evidence in a rural court, it would take twice as long (Wallace, 2012). Further, country or regional courts are more likely to present forensic evidence via video link as opposed to metropolitan courts (Wallace, 2012). In nearly a quarter of cases, it was a lack of available facilities which impeded the use of video conferencing technology (Wallace, 2012).

The use of the word 'remote' can be used in two separate ways, to describe persons whom may not be geographically remote but not able to physically appear for their own protection, and those who are geographically remote, where video technology offers greater efficiency for their appearance (Wallace, 2008). Wallace also describes the 'virtual court', which I have also called an immersive courtroom or a distributed courtroom, to describe a process where court participants can be located anywhere, however technologies provide that the hearings and the trials can occur regardless as the physical location of the court does not dictate the process (Wallace, 2008). For instance, a magistrate could appear remotely from Kalgoorlie in a Perth courtroom whilst a witness gives testimony remotely from another town (Wallace, 2008).



## Face-to-Face Communication v Video-Mediated Communication

While there is not much research considering the impact that face-to-face and video technology have on the quality of deliberation in the justice process, research has been done in a number of other disciplines around the area. Research has compared face to face communication with various computer mediated forms, focusing on the synchronicity of face to face as compared to the asynchronicity of a written medium across a computer network, i.e. email, instant message, text. (Opdenakker, 2006) Face-to-face is unique in its encompassing approach, with the instantaneous aspect of communication and the impact of nonverbal cues. Sindoni (2014) suggested that using video-mediated technology may be the closest computer mediated communication to achieving a similar environment as face to face communication.

Face-to-face communication see individuals perceive a context or situation and then negotiate their relationship within that space (Sindoni, 2014). This means that social distance is fluid, and individuals can lean in or step away, which is reciprocal between participants in the conversation. Despite managing to create a similar environment, the social distance in video chats is fixed, and participants stand in a frozen space (Sindoni, 2014). The only control participants have in regards to social distance is to control the angle of the camera and decide how they wish to frame themselves. Ideally, participants would not have this freedom, as cameras would have been calibrated with the purpose of creating a seamless reality as though the person on the screen is in the room, however, for this thesis, the participants in the video mediated condition did have the freedom to move their framing as they were deliberating on iPads.

One aspect of conversation which can not be completely measured through video conferencing is body movement. Body movement and consequentially body language, may occur outside the video frame and be missed by both other members of the conversation and any observers (Sindoni, 2014). However, despite this losing the entire vision of the body, gaze and eye contact are still pivotal in interpreting a conversation partners attitude and behaviour (Sindoni, 2014). If eye contact is not strong across a video conferencing platform, in addition to the loss of body language, this could mean that individuals miss important social cues that help to interpret the natural flow of turn-taking.

Another difference which occurs between video-mediated communication and face-to-face communication is that, in a video conference, users have the chance to watch themselves take part in a conversation (Sindoni, 2014) This ability to observe themselves may produce psychological effects influencing the verbal and nonverbal responses of the individual, meaning that the way an individual's speaks, moves and so on may change during a conversation (Sindoni, 2014).

One of the most influential studies on the structure of this thesis was Van der Kleij, Paashuis, Langefeld and Schraagen (2004). Their research was focused on analysing small group discussion across a video conferencing platform, observing the speech patterns and surveying the participants for their perspective. Participants were asked to deliberate and answer a series of trivia questions in groups of three, with half of the group being asked to discuss the trivia question on a video conferencing platform, and the other half discussing the trivia questions in a co-present face to face environment. The findings demonstrated that the video mediated communication resulted in fewer turns and less interruptions, with each person talking through their opinion for a longer period, however participants were also less satisfied than their face-to-face counterparts' due to a lack of telepresence and connection. Van der Kleij, Paashuis, Langefeld and Schraagen (2004) findings are supported by Doherty-Sneddon et al (1997), with the suggestion that face-to-face communication is less formal with more interruptions. On repetition of the experiment, satisfaction levels increased as participants adapted to the use of the video technology (Van der Kleij, Paashuis, Langefeld and Schraagen, 2004).

Follow up research by van der Kleij, Schraagen and Werkhoven in 2009 found that there was no decrement in performance in groups discussion and trying to find trivia answers via video-conferencing compared to those face-to-face. van der Kleij, Schraagen and Werkhoven (2009) also introduced the term 'technological adaption' to explain the phenomenon that had been seen in earlier research where participants adapted to the video-conferencing technology. The concept that individuals in the justice process would be just as equipped to solve a problem across a video-conferencing platform as they would in a co-present environment is a positive indication for the advancement of the immersive courtroom, as is the concept of technological adaption, which would see individuals adapt to the immersive courtroom overtime, until there is no foreseeable useability difference.

Licoppe and Dumoulin (2010) approached an issue similar to what this thesis is considering, looking into the use of video conferencing between the Paris Appeal Court and the courts in Saint-Pierre and Miquelon. They found that, assuming the audio and video technology was working, and participants could see and hear each other, determine next speaker and maintain relevant discussion, then the judicial process was not impeded, despite how strange a distributed hearing may appear (Licoppe and Dumoulin, 2010). They concluded that repeated use of a video setting created a ritualistic accomplishment in terms of the entrance of judges and their following specialized speech acts, and they felt that, from their research, they could see future magistrates video conferencing in a trend of deformatisation of court cases (Licoppe and Dumoulin, 2010).

### Robert Bales' Interaction Process Analysis

‘...it is nevertheless clear that direct face-to-face interaction takes place in all of these groups and there is little reason to doubt that human interaction on a face-to-face level has at least certain formal similarities wherever we find it.’ (Bales, 1950)

Robert Bales (1950) created a method for the use of analysing small group interaction, called the Interaction Process Analysis. Bales' method involves six interlocking functional problems – orientation, evaluation, control, decision, tension management and integration – which would logically be applicable to any interaction. Bales (1950) stated that this observation and subsequent classification is a matter of interpretation, based around the set of categories which are meant as a general-purpose framework to determine the structure and dynamics of interaction in any small group. The research observes the discussion, isolating units of speech and identifying them into the above categories, as well as identifying both who the speaker is and who is the intended audience. Bales' method codifies each speech pattern as well as identifies the person who was speaking and who the passage of speech was being directed toward. For instance, Jury One may give an orienting statement, ‘So we just watched that video and now we have to discuss whether we think she is guilty,’ directed at the whole group, therefore the statement would be classified a Category 6 with the speakers 1-0, or Judge One to all. A breakdown of Bales' methodology can be found in Figure 1.

One of the biggest issues in group analysis is that it can produce a large volume of data, which is time-consuming to code. According to (Lehmann-Willenbrock, Hung and Keyton 2017), an average team meeting which lasts one hour can create 1003 verbal communication behaviours, which requires approximately seven hours of coding, and this time increases even more when non-verbal behaviours are considered. One of the reasons Bales' method was chosen for this thesis is that it does not require numerous resources to undertake, and was traditionally completed while observing a group rather than after the fact, so therefore, in comparison to other potential group communication data coding, it is possible to apply to the data in the course of a Master's thesis.

Despite Bales developing his method in 1950, it still provides a strong framework to analyse conversational interactions between small groups in the current era. Donnelly and Gardener (2011) identified that Bales' approach underpinned recent content analysis theories in the field of computer mediated communication. Compton, Love and Sell (2012) identified that Bales' developed one of the most influential formulations of small group analysis, resulting in the emergence of a conceptual and measurement framework. In 2016, Choi, Im and Hofstede made use of Bales' methods in a study into small group interactions on twitter. They noted that while the method was half a century old, it was still widely used, however, as the original method was used for face-to-face conversations, they adapted it slightly.

According to Philip and Dunphy (1959), the widespread popularity of Bales' Interaction Process Analysis is based on the assumption that the twelve Bales categories represent a reliable, complete and systematic set of carefully defined concepts, which can be used as lenses for observing any kind of face to face group (Butler and Cureton, 1973). As seen above, Choi, Im and Hofstede (2016) used the basis of Robert Bales' methodology, however they adapted it for use against a modern technological medium. In the research for this thesis, Bales' methods were similarly adapted for use appropriate for the research.

The central context of the applicability of Bales' methodology relies on the assumption that face-to-face communication holds enough formal similarities that can be coded systematically. This core focus on face-to-face was reflective of the contextual times in which Bales' developed the methodology. This thesis is

examining the impact that the medium of communication has on the quality of communication, which means that the data from the face-to-face simulation must be treated in the same manner as the data for the video mediated simulation. Assuming common elements exist in the treatment of both conditions, such as the task the participants are expected to complete, the subject and content that the participants are exposed to and the size of the group, a certain degree of consistency may be expected (Borgatta and Bales 1953).

Perhaps most important in the consideration of the applicability of Bales' method is the fact that video-mediated communication is the closest technology gets to simulating a face-to-face condition. Sindoni (2014) states that a video chat achieves this simulation by giving the illusory perception, visually and psychologically, of sharing the same context of situation. A fundamental factor adding to the illusory perception of a face to face conversation is that verbal exchanges occur in real time, meaning that verbal exchanged imitate that of a face-to-face conversation, with turn-taking, pauses, interruptions and other aspects of co-present communication (Sindoni, 2014). Therefore, working on the assumption that face-to-face level has at least certain formal similarities which allow it to be coded, it stands to reason that video-mediated communication, as the closest technological counterpart to face-to-face communication, can also be coded using the Interaction Process Analysis.

Figure 1 - Bales System of Categories

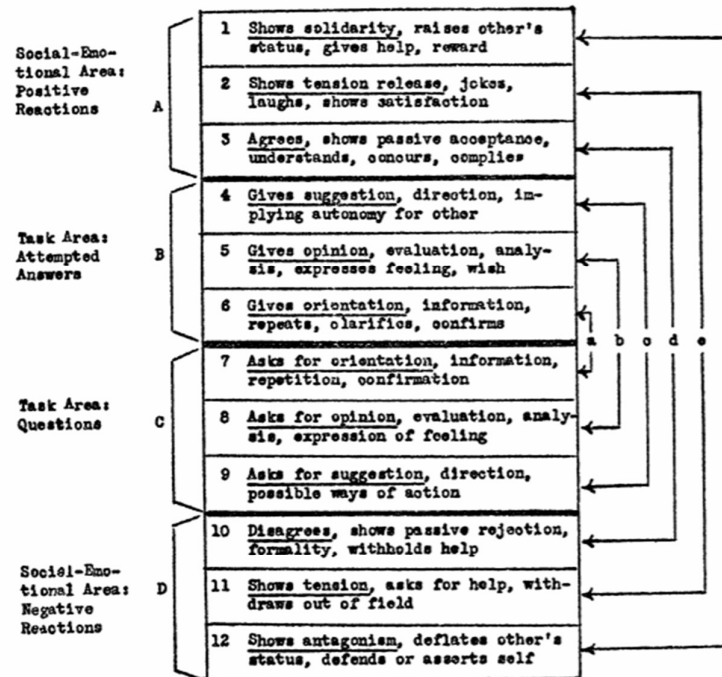


CHART. I. The System of Categories Used in Observation and Their Relation to Major Frames of Reference.

- Key:
- |                            |                         |                                   |
|----------------------------|-------------------------|-----------------------------------|
| a. Problems of orientation | c. Problems of control  | e. Problems of tension-management |
| b. Problems of evaluation  | d. Problems of decision | f. Problems of integration        |

One of the Categories included in Bales' Interaction Process Analysis is focused on the concept of solidarity. Category 1 'shows solidarity, raises others status, gives help, reward', is defined by Bales' in his appendix, highlighting a number of actions which would be considered to fall under the category. As the 1950 book is intended as a guide to use his process, such an outline exists for each of the categories, including Category 3, which is focused on participants 'agreeing', however for the purpose of this thesis, it is necessary to redefine Bales' ideals of solidarity and agreeance with other literature which considers the idea of group solidarity and how to identify it.

In his appendix, Bales (1950) identifies four sub categories which actions fall under Category 1:

- (a) Initial and responsive acts of active solidarity and affection
- (b) Initial and responsive status raising acts

(c) In response to Category 11 (Shows Tension)

(d) In response to Category 10 (Disagrees) and Category 12 (Shows Antagonism)

Sub-category 1(a) includes verbal and non-verbal actions, particularly greetings such as waving, verbalising a hello, placing a hand on a shoulder and general actions from one individual to another within the group which can be interpreted as welcoming and friendly, whilst sub-category 1(b) actions which praising, rewarding, boosting, approving, or encouraging other participants will be classified as a show of solidarity (Bales, 1950).

Where my interpretation of Bales' method differs is his definition of solidarity in Category 1 versus his definition of shows agreeance in Category 3. In his breakdown of definitions, Bales' highlights that any verbalisation of agreeance in response to a statement from Category 5 or Category 6, that is an individual gives an opinion or gives orientation for the discussion, would fall under the definition of Category 3. His categorisation of agreeance in response to an opinion hold merit, including any agreement with an observation or report, analysis or diagnosis the other has made and agreement, approval or endorsement of an expression of value, feeling or sentiment (Bales, 1950). However, the definition in regards to responses to individuals giving orientation are not so solid, as Bales' definition includes any sign of recognition, interest, receptiveness, nodding the head and verbal supportive statements such as 'yes' or 'mmmhmm'. For the purposes of this thesis, a verbalisation will only be categorised as an agreeance when there is a substantial weight added to the comment, whilst simple supportive statements are classified as a show of solidarity as they could considered evidence of active listening, as suggested by West and Zimmerman's understanding on interruptions in a conversational context (Drummond, 1989). These short supportive statements will be discussed in great detail later in the thesis in relation to coding interruptions throughout the conversation.

### Group Solidarity

The concept of group solidarity is important when analysing the difference between video-mediated communication and face-to-face communication. In their research

comparing the two mediums of communication, van der Kleij, Paashuis, Langefeld and Schragen, (2004) surveyed all their participants and found that participants in the video-mediated condition were less satisfied than their face-to-face counterparts' due to a lack of telepresence and connection. This suggests that groups communicating through the video platform may not feel the same solidarity as their face-to-face counterparts.

With the concept of group solidarity identified as likely point of differentiation between various mediums of communication, it is essential to consider how the literature has approached this idea beyond the scope of Bale's initial definitions. Groups consist of at least three members and share an identity as a group, with a need to interact with each other in order to achieve a certain goal (Lehman-Willenbrock, Hung and Keyton, 2017).

Cohesion is necessary for the endurance of a group and is therefore a necessary condition for achieving group solidarity, although the terms can also be used interchangeably (Willer, Borch and Willer, 2002). For this purpose, cohesion is the action of working together in order to reach a single goal. The participants, or jurors, will be working together to come to a decision as to the guilt of the accused, and if they share an opinion, cohesion is likely to exist as they work through the problem to reach a solution. However, this cohesion could be thrown off if one participant differs in opinion and becomes antagonistic and unwilling to compromise.

Solidarity is a difficult concept, as it has been defined and redefined, and is an area of data analysis on its own. It is possible to analyse group solidarity by focusing on the affective bonds that unite members of solidary groups; the norms defining group obligations; the collectively oriented activity patterns characteristic of these groups, especially a preponderance of prosocial behaviour; and the interaction patterns in which ties within the group are denser than ties across groups (Heckentorn and Rosenstein, 2015). Realistically, Interaction Process Analysis could fall under this fourth type of solidarity analysis, with a focus on the actions which create intragroup ties.

Solidarity is often something that groups want to portray, and as such participants sometimes suppress uncooperative actions whilst promoting harmonious ones (Clayman, 2002). Generally, when a participant accepts a request or agrees with an



assessment, they are advancing the course of action and collaborating with the agenda of the previous speaker, therefore building a sense of solidarity, whilst actions which are disagreements and rejections are seen as uncooperative (Clayman, 2002). When comparing these ideas with Bales' methods, you can infer that if passages of speech which are coded as gives opinion, gives suggestion, agrees or asks for opinion, it builds the sense of group comradery. At the most macro level, the simple action of choosing to answer a question as opposed to not answering a question helps to build the sense of group (Clayman, 2002).

With Bales' Interaction Process Analysis providing only a base data line in regards to solidarity, conversational analysis offers what might be termed a procedural approach to the problem of social solidarity (Clayman, 2002). Conversational analysis in terms of group solidarity is focused on the interaction participants actually undertake in order to avoid conflict and promote solid relations (Clayman, 2002). However, using conversational analysis on groups in these conditions is something that should be considered for a future research project, particularly to compare to results that using the Bales' methodology produces, in an attempt to create a bigger picture around the viability of using video-mediated communication.

### Interruptions

Interruptions are a core element in any conversation, though the exact definition of what classifies as an interruption is up to the interpretation of the individual. Conversations can be characterized in terms of the length of pauses, the duration and number of turns, and number of interruptions (Sellen, 1995). Most modern concepts of interruption are derived from the Sacks et al (1974) turn-taking, or 'speaker alternation', model of conversation, which creates the concept of conversational interaction on the basis of 'one-speaker-at-a-time' and sees any act of simultaneous speech, or 'more-than-one-speaker-at-a-time' as a violation of the turn-taking model (Makri-Tsilipakou, 1992). In terms of conversation and small-group analysis, it can be assumed that an interruption is a phenomenon which can be defined, coded and counted (Drummond, 1989).

Weins et al. (1965) proposed a definition for interruptions which saw any simultaneous speech event that occurs either as an interjection both beginning and ending whilst another person is speaking, or as an overlapping comment which begins prior to the speaker completing their speech and continues after the speaker finishes their term. This broad definition means that any instance of simultaneous talk would qualify as an interruption, regardless of contextual intent, including short statements of support and sounds of

affirmation such as 'yeah' and statements where two speakers say the same thing at the same time (Drummond, 1989). Meltzer, Morris and Hayes (1971) simply defined an interruption as beginning to talk while another person is talking, inclusive of supportive statements such as 'yes' and 'uh-huh'. Roger and Jones (1975) defined interruptions as "an instance in which the speaker in question was the second person to enter a period of simultaneous vocalisation" but during their they excluded brief responses such as 'yes' and 'uh huh' from their analysis (Drummond, 1989). These three definitions break down into their most basic form to suggest that an interruption occurs when an individual begins to speak during another person's turn in conversation, thus breaking and ending the others turn in the conversation and taking it for themselves. However, they do not accommodate for what is described as the overlap, nor do they provide a scope of interruptive behaviours, rather just grouping any action which could be perceived as breaking an individual's turn in conversation as interruption.

Another aspect to be considered when defining an interruption is the concept of whether it is a successful interruption or unsuccessful. Roger and Schumacher (1983) classified all simultaneous speech events as successful, unsuccessful or a back-channel utterance. To differentiate, a successful interruption occurs when the second speaker successfully prevents the first speaker from completing their turn in conversation and takes the floor, whilst in an unsuccessful interruption, the second speaker still attempts to simultaneously speak, however the first speaker does not cede the floor and concludes their turn (Roger and Schumacher, 1983). Their study also considered the third interruption type of a back-channel utterance, which can be used to categorise minimal responses, which are short utterances such as 'yeah', 'huh', 'oh' and more, any anticipatory or simultaneous 'agreeing' sentence completions or saying the same thing and supportive reformulations which may overlap with the current speakers turn (Makri-Tsilipakou, 1992). These could all be considered evidence of active listening, as suggested by West and Zimmerman's understanding on interruptions in a conversational context (Drummond, 1989).

In his thesis 'Where was I? A Psycholinguistic Investigation of Conversational Interruptions', Benjamin Swets (2006) discusses what he defines as conversational interruptions in relation to a number of the previously mentioned definitions, stating that to categorise and define conversational interruptions you need to consider the physical overlap of speech streams, the syntactic intrusion of the physical overlap and the resulting potential to disrupt the speaker. Discussing the greater emphasis on the disruptive nature of the intrusion of speech, Swets instead suggests that it is better to consider interruptions in a competitive versus cooperative nature (2006). The reasoning behind this viewpoint is that interruptions can occur in a manner which help to aid the overall message of the dialogue (Swets, 2006).

A significant study in situated talk is West and Zimmerman's 1983 essay on interruptions in cross-sex conversations (Drummond, 1989). West and Zimmerman provide yet another definition of an interruption, stating that interruptions are violations of turn-taking rules which are deeper incursions into a speaker's utterance than simple overlaps, or to further narrow this definition, an incursion on a speaker's turn which occurs more than two syllables from the beginning or the end of the current speaker's turn (Drummond, 1989). More important, is West and Zimmerman's exclusion of facilitating interruptions, that is to say an interruption which ratifies or contributes to the talk of the current speaker, do not strictly count as an interruption (Drummond, 1989). Combined with Roger and Schumacher's description of back-channel utterances, arguably a modern definition of interruptions needs to accommodate for short utterances which work to facilitate a current speaker's position, inclusive of proclamations of affirmation through the words 'yeah', 'huh' or 'oh'. West and Zimmerman also do not consider two people saying the same thing at the same time as an interruption, as rather, it displays an active listening or intense involvement.

Other than the medium of communication, it is also possible that other factors may impact the number of occurrences of simultaneous events. Research by Dunne (2009) found that groups which had an element of familiarity were more likely to have simultaneous speech events. Familiarity can refer to either a familiarity or prior relationship with other members of the group, or a familiarity with a topic which is central to the conversation (Dunne, 2009). With the contextual framework of the mock trial being central to all simulations, and with all participants being similarly familiar with the content, this may also cause interruptions to occur.

Despite inaccuracies in the definition on what classifies as an interruption, identifying back-channel utterances and facilitation are also crucial in understanding the group dynamic. Bales identified short utterances as to be coded as Category Three - Agrees under his original method, however an argument can be made for the inclusion in Category One Shows Solidarity. For the purpose of coding in this research project, a passage of speech is only coded as an agreeance if it is more substantial than a single word, whilst all back-channel utterances are seen as facilitating the current speaker's position and demonstrating active listening and engagement, and therefore promoting group solidarity. It is for this reason that the short utterances of 'yeah' and other related words will be coded in accordance to showing solidarity, in addition to the traditional passages of communication which were coded by Bales in the original document.

It is hypothesised that there will be a difference in interruptions between video mediated communication and face to face communication. Whilst not discussed in detail in the

literature, as highlighted by Sindoni (2014), body language plays a major part in formulating conversation. It is possible that body movements, and their consequent language, may occur completely out of frame, and as such be missed by both the fellow group members and the observer. Without the necessary full body frame of reference, it is likely that there will be more unsuccessful interruptions in a video mediated session, as the speaker will possibly not recognise the attempted interruption technique and fail to acknowledge the other speaker. Conversely, as the face-to-face condition will allow all participants to view the body language of their companions, it is possible that interruptions will be more successful, and a second speaker will be able to break the turn of the first and take the floor. However, there is a question over whether the interruptions will be cooperative or competitive in nature. The framing of the interruption is more likely to be impacted by the content and context of the discussion than the actual medium of discussion, as both conditions, face to face and video mediated, are both discussing and deliberating the exact same case material, there should arguably be no noticeable difference in the cooperative versus competitive nature of both. There is also an assumption that face-to-face communication is better at creating group solidarity than video mediated communication, with body language once again playing a significant role. Overlaps and back-channel utterances will likely exist in both conditions, however their coding as building group solidarity would assume greater occurrence in a face-to-face condition, however this is difficult to predict. My hypothesis that there will be more interruptions for the video-mediated condition due to there being less cues readily available does conflict with the short-term findings of van der Kleij, Paashuis, Langeveld and Schraagen (2004), however, I do believe that the adaption effect that they found in their long-term research may come into effect. The adaption effect saw participants become used to the video-conferencing technology and the observed differences between the conditions minimised. Due to the age of that research and familiarity with technology, I believe the participants will have already adapted to being comfortable with using a video conferencing.

## Chapter Three - Method

### The Video

The video of the mock trial which was used for this thesis was originally created for another project titled ‘Juror Confidence and Justice’<sup>1</sup>. The original video was around 90 minutes long, with a number of witnesses, including three medical experts, a detective, a next-door neighbor, the accused, her daughter and more. Using raw survey data from the original project, we determined the two most influential witnesses and worked to cut the video down to half an hour. This was achieved by including one expert medical testimony, testimony from the cousin of the accused, the opening statements from both the prosecution and the defence and the judges closing statements. Ideally, to achieve richer discussion around the case, it would have been better to include more witnesses, however, I was limited due to time and resources.

The story presented in the mock trial focused on the death of an infant child, ‘Angus’. The cause of death was blunt force trauma causing brain hemorrhaging after the child was dropped onto a flat surface. The accused in the case was his mother, ‘Lynette’, with the prosecution bringing a case that Lynette was the only person who was present and capable of causing the injuries to Angus. The defence counter was focused on the fact that the evidence against Lynette was circumstantial, and that it was possible that the death was a tragic accident, highlighting that Lynette was not the only person who could have caused the death, but her daughter Rosie was also present and had a history of being round with Angus and her two other younger brothers. The two witnesses that the participants saw included a medical professional who assisted in Angus’ autopsy, and a cousin, Nicole, who provided a character reference for Lynette and also provided evidence that suggested that Rosie may have been involved.

The closing statements by the judge outline the elements necessary for a guilty verdict for manslaughter. This differed from the original video had three separate

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<sup>1</sup> ‘Juror Confidence and Justice’ is currently unpublished, and I was only able to see the raw data results for responses to the survey in regards to the influence levels of the witnesses, which was used to determine which witnesses would be involved in the shorten video for this project. Professor David Tait was one of the researchers on the project and he provided the video to be repurposed for this Master’s thesis.

charges for consideration, each with slightly different elements: manslaughter, infanticide and negligence. Once again, due to time constraints which meant that participants would only have twenty minutes to deliberate, the decision was made to only have them discuss one charge, and should this research be revisited, the introduction of the other charges, as well as more witnesses, is something that should be considered.

### Location

The research for this thesis was conducted at Western Sydney University Parramatta City Campus. The participants were brought into a large classroom, where they completed an initial demographic survey before they watched the video of the mock trial. A rear view of the set up for the viewing of the mock trial video can be seen in Figure 2. At the conclusion of the mock trial, participants were separated into groups of three. Each group was then spread around the building and placed into separate rooms.

*Figure 2 - Participants Watching Trial*



## Materials

Western Sydney University provided iPads preloaded with Zoom Video Conferencing for use in the video-mediated condition. These iPads were set up with one central iPad recording the whole conference to the cloud, which was later downloaded for transcribing and analysing purposes<sup>2</sup>. Participants who were using the iPads for the video-mediated conditions were placed around the building, with sound cancelling headphones and microphones to minimise outside interference. One of these participants can be seen in Figure 4.

Western Sydney University also provided video cameras, microphones and relevant stands which we set up to record the face-to-face condition for later transcription and analysis.<sup>3</sup> The set up for the face-to-face condition can be seen in Figure 3.

*Figure 3 - Set up for Face-to-Face*

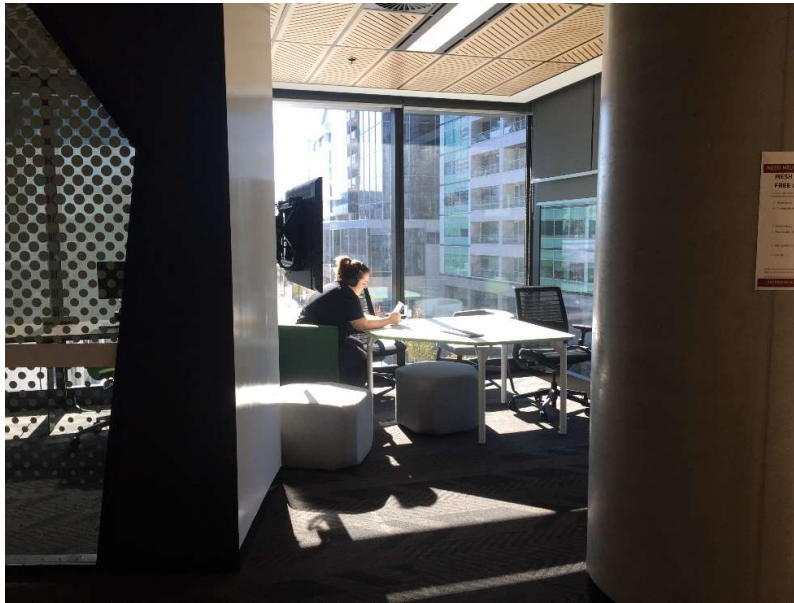


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<sup>2</sup> One issue that was raised with this technology, is that although the Zoom conference was set up in tile mode, so that every person in the group was visible on the screen at all times, it did not record in this way, rather it recorded to the cloud with the person who was speaking at each time taking up the whole screen. Whilst all verbal behaviours were observable, this meant that potential body language cues that were seen by the participants at the time were not observed for analysis.

<sup>3</sup> A second issue that occurred during our first session was that the microphones did not pick up the sound for one of our face-to-face sessions. To accommodate for this we reduced the number of sessions analysed for each condition from four to two.

Figure 4 - Participant on iPad



## Participants

A call for participants was released onto various social media platforms, with instructions to contact me via email if they were interested in participating. Once participants expressed interest, they were provided with a participation information sheet, outlining what would be expected of them on the day, and were given a consent form to read. At this point in time, it was assumed that they were consenting to being involved in the project. There were two research sessions hosted, with twelve people in each session. Upon arrival, all participants signed a written consent form to solidify the previously assumed consent.

## Data Analysis

### Observation

The first step in data analysis will be observation. While the groups will be observed during the research process, the analytic observation will occur via watching and transcribing the sessions. The purpose of observation is for me to formulate and share my own opinion of the group dynamic in a qualitative manner prior to applying to different analysis methods which will provide a more statistical approach to the group dynamic. My observations along with the survey responses are also important as framing devices in interpreting the possible meanings of the data.



## Interaction Process Analysis

Traditionally, the observer has what is called the Interaction Recorder in front of them whilst they watch a small group interact, observing their behaviour and classifying it in accordance to the twelve categories (Bales, 1950). Bales (1950) stated that this observation and subsequent classification is a matter of interpretation, based around the set of categories which are meant as a general-purpose framework to determine the structure and dynamics of interaction in any small group. The role of the observer is to be a generalised other, and must attempt to empathise with the group member whose behaviour they are coding (Bales, 1950). By assuming the point-of-view of the group members, the observer can try to code the intention of the behaviour in accordance with the categories (Bales, 1950).

For the purpose of this thesis, in order to analyse the data using the Interaction Process Analysis, a timeline will be set up in excel, with a count of occurrences of the instances of various categories being observed whilst watching a recording of the sessions.

Bales' methodology traditionally also included recognition of whom was speaking and whom they were addressing (1950). As the groups are only three people, I have decided for the purposes of this thesis that I will not be observing this. That data is not as valuable for this research as it speaks to the interpersonal relationships and personalities of groups, whereas this research is looking at comparing groups on the whole.

It is critical to understand the basics of the twelve categories as Bales' defines them in the appendix of his book (1950), however, I have altered these definitions slightly to suit my own analysis.

1 – Shows Solidarity: Bales' defines Category One as any action which is a greeting, both verbal and non-verbal; a friendly gesture, such as offering and accepting a gift; a friendly compliment or icebreaker; giving approval or encouragement; showing enthusiasm for the others views; offering assistance; sharing; mediating or conciliating. For the purposes of this thesis, I have extended this to include instances of short utterances such as 'yes' and 'mmmhmm' which serve to show that a person is actively listening to a statement, or that they agree with the statement but offer no further opinion.

2 – Shows Tension Release: Indications of relief; laughing; joking

3 – Agrees: Bales' definition encompasses quite a few aspects, some of which I have redefined. Firstly, technically an affirmation spoken by the speaker at the end of their statement that reaffirms what was said, such as 'yes, that's it' or 'that's what I'll do' could be classified as Category Three. If this occurs at the end of a passage of speech, it will not be coded separately as it will likely occur at the end of a speaker providing an opinion, therefore, it is still coded as an opinion. Where agreement will be categorized, in accordance to both Bales' and my own approach, is when a participant agrees with an opinion that is expressed by another. This requires longer statements that imply that the individual is actually agreeing, i.e. 'yes that's true' or 'I think you are right'.

4 – Gives a Suggestion: This is usually more closely related with an action or structure of the group dynamic as opposed to the nature of the content of discussion. This includes suggesting that the group looks to conclude discussion of a point and move on or suggesting a framework for how they can address the problem.

5 – Give Opinion: Bales defines Category Five to include any introspection, reasoning, thinking leading up to a hypothesis being spoken and extends to any testing of the logic and validity of a hypothesis; any expression of desire or want; announcing and enunciating feelings; and perhaps most relevant to this thesis, any action where the participant attempts to infer or reason the motivation or activity of another. This final point will likely occur quite regularly across both conditions as participants attempt to reason out whether the accused is guilty.

6 – Gives Orientation: A statement which is intended to focus and position the conversation. This includes establishing a new topic of conversation, reorienting conversation which has been distracting, informing a participant of what has occurred or been discussed. It also includes statements of facts in regards to external context which influences the group. In terms of this thesis, any statement which discusses the witness statements or the case in general

with a focus on the facts that were presented in the mock trial, will be considering an orientating statement.

7 – Asks for Orientation: An act or statement which indicates a lack of knowledge, including verbally asking for confirmation of a fact, repeating a fact to ensure that they understood it correctly, or attempting to establish what has occurred in the discussion if they find themselves lost. This category is likely to occur whenever someone is unable to remember a fact from the trial, with the hope that one of the other participants will be able to orient them so that they can formulate an opinion with the facts.

8 – Asks for Opinion: Open-ended, non-direction questions posed to the group in general; Questions, statements or responses which aim to create a dialogue in the group around an idea; Asking another group member to provide a hypothesis based on the facts that they have. The group will likely ask for opinions at least once, when they have to pose the question ‘guilty or not guilty’. As expressed above, opinions are likely to occur quite frequently given the contextual nature of the discussion.

9 – Asks for Suggestion: Any question or request which is focused on working out how an action should proceed.

10 – Disagrees: Bales’ definition for Category Nine includes any challenge to a suggestion, failing to pay attention whilst another participant is speaking, ignoring another person when they are speaking to you. Most narrowly, it involves amending or contradicting an interpretation, opinion or statement.

11 – Shows Tension: If an individual shows nervous habits, anxiety, shame, guilt or generally withdraws from the conversation, this is classified as a show of tension; any show of frustration, whether it is directed at another person or at themselves.

12 – Shows Antagonism: Any attempt to control the conversation in a manner that is repressive; any attempt to control the autonomy of other participants; obvious attempts to undermine another in conversation through interrupting, refusing to acknowledge the other, insulting, minimizing the others’ status, ridiculing, mocking, and other actions which belittle a fellow participant. It is

important to note, that although Bales' includes interruption as a show of antagonism, the intent behind the interruption is just as important as the action. I predict that there will be multiple interruptions which occur throughout the simulated discussions, however, unless an interruption is shown to be a deliberate attempt to undermine a person's turn to prevent them from participating as an equal it will not be recognised as a show of antagonism. Further, similar to short utterances of yes being recognised as a show of solidarity, if a person says no and does not follow up with reasoning or their own opinion, then it can be seen as a show of antagonism rather than a disagreement.

Any occurrences of these categories will be recorded across a timeline, and then the cumulative number of occurrences will be calculated for comparison. As established, it is expected that there will be high occurrences of Category Five, as participants will have to give opinions as part of their deliberation to determine whether the defendant is guilty. The results provided by Category One and Category Twelve, solidarity and antagonism, are potential differentiations between the face-to-face condition and the video-mediated condition, should a lack of copresence result in a lack of connection between group members.

### Coding Interruptions

An interruption is an aspect of conversation and small-group analysis which can be defined, coded and counted (Drummond, 1989). Historically, the definition of what constitutes an interruption has been varied, but for the purpose of this thesis, I will be interpreting an interruption in accordance to Drummond's (1989) interpretation of West and Zimmerman's definition, with the definition being further supplemented by Roger and Schumacher's (1983) consideration of successful interruptions, unsuccessful interruptions and back channel utterances (Makri-Tsilipakou, 1992).

For the purposes of this thesis, an interruption is 'an incursion on a speaker's turn which occurs more than two syllables from the beginning or the end of the current speakers turn' unless the interruption is for the purpose ratifying what the current speaker is saying (Drummond, 1989). Therefore, for an interruption to be coded, it needs to occur at a point in time where observationally it appears as though the current speaker was not near the natural conclusion of their turn. The two exceptions

provided by Drummond (1989) are interruptions which occur near the natural turn of the speaker and interruptions which are for the purpose of supporting what the speaker is saying. These two exceptions will be coded as back channel utterances and simultaneous speech events, dependent on the observational context.

To determine whether an interruption is to be coded as successful or unsuccessful, it depends whether the second speaker successfully prevents the first speaker from completing their turn in the conversation, thus creating a successful interruption, or if the first speaker does not cede the floor to the interruption (Roger and Schumacher, 1983).

A back-channel utterance will be coded when a person verbalises a short utterance such as ‘yeah’, ‘huh’, ‘oh’ and more (Makri-Tsilipakou, 1992) at any point during the speakers turn without an indication of further interruption. If a participant anticipates the speaker’s point and says the same thing or formulates a supportive statement which may overlap with the current speakers turn, it is also possible to code this as a back-channel utterance (Makri-Tsilipakou, 1992), for the purpose of this thesis, it will be coded as a simultaneous speech event. Similarly, if at the natural end of a speaker’s turn, two participants begin to speak at the same time, this will also be considered a simultaneous speech event, which has the potential to develop into a successful or unsuccessful interruption if both parties choose to continue to speak with the intention of taking the floor until one cedes the turn.

With these definitions in mind, the interruptions will be coded across a timeline table in order to create a count of the number of occurrences of each type. This table will then be converted into a chart for visual comparison of the difference between the number of occurrences of each interruption type, as well as presented visually on a timeline displaying the interruption occurrences in relation to the time they occurred.

I would expect the lack of visual scope provided by video-mediated technology will lead to a higher occurrence of interruptions, as participants may miss visual turn-taking cues that would commonly be read in body language and eye contact.

### Survey Responses

As stated previously, this thesis is aiming to consider the participant perspective in regards to their experiences as an active participant within the justice process.

Previously, in ‘Toward a Distributed Courtroom’ (Tait et al, 2017) the perspective of

a passive observer to a video link was observed, as jurors were exposed to testimony both in a co-present simulation and across a video link. In this thesis, the participants are engaging as jury across video-conferencing, therefore it is essential to get their own thoughts as to how they felt the group deliberation. The survey that participants were given at the conclusion of the research scenario can be found in Appendix F.

There are some responses that are more crucial than others, particularly survey questions which are focused around connection with fellow jurors. It is expected that there will be a discrepancy with participant experience with eye contact, as iPads are not equipped to address this potential issue. It is also possible that as a loss of eye contact and greater body language, the groups in the video-mediated condition may lose a sense of comradery, and this could lead to greater interruptions.

The responses for the conditions will be recorded, and an average number will be calculated for the responses of those in the video-mediated condition and the face-to-face condition. The survey is Likert Scale, with answers ranging from 1 (Strongly Disagrees) to 5 (Strongly Agrees), and any response with a difference of 0.5 or greater between the averages will be considered statistically significant for the purposes of analysis. However, it is important to note, that if a category is found to be statistically significant, then the responses for that question will be looked at from an individual participant perspective to determine if a single outlier is causing the difference.

## Hypotheses

H1 – Unsuccessful interruptions will occur more commonly in the video-mediated condition

H2 – Simultaneous speech events will occur more commonly in the face-to-face condition

H3 – There will be little practical difference between the two conditions

## Chapter Four - Results

### Small Group Analysis: Bales Methodology

Figure 5 - Small Group Analysis Group H

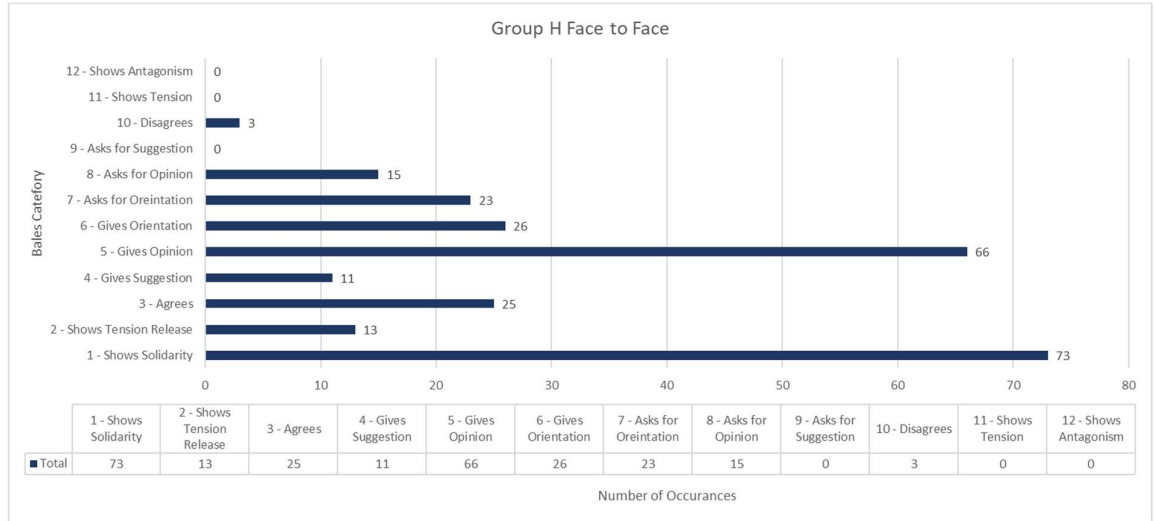


Figure 6 - Small Group Analysis Group G

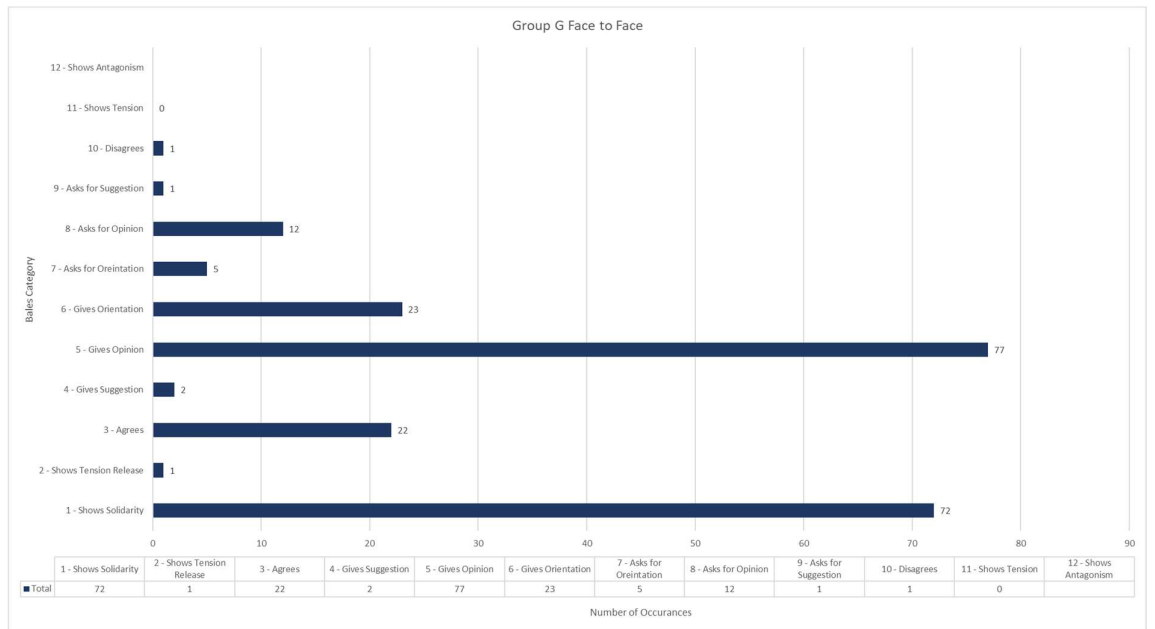


Figure 7 - Small Group Analysis Group B

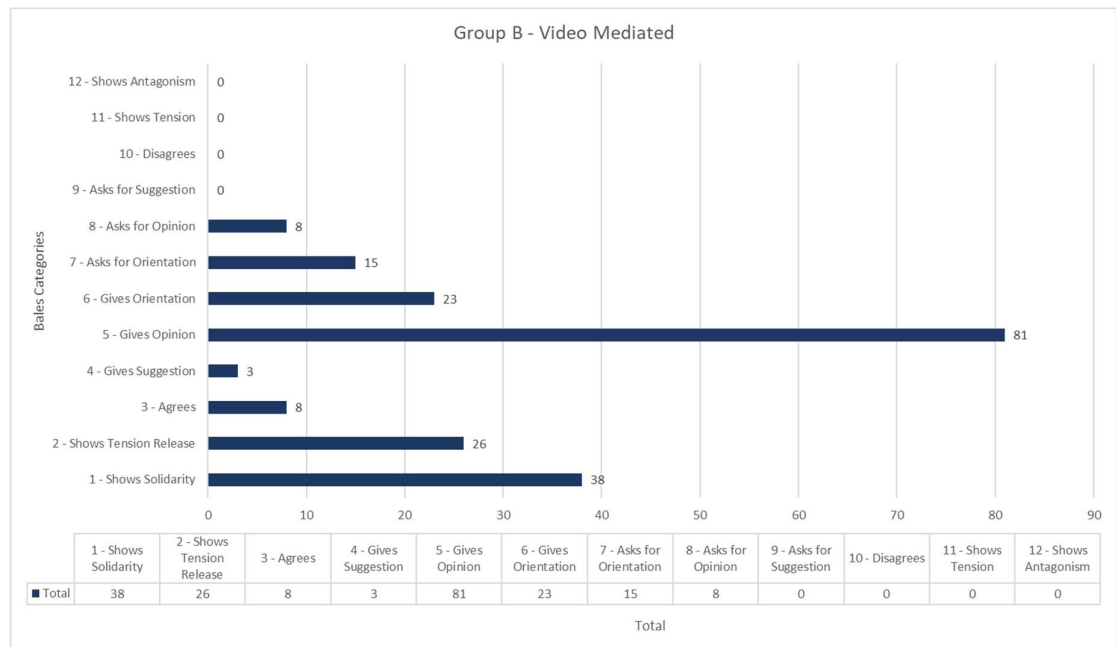
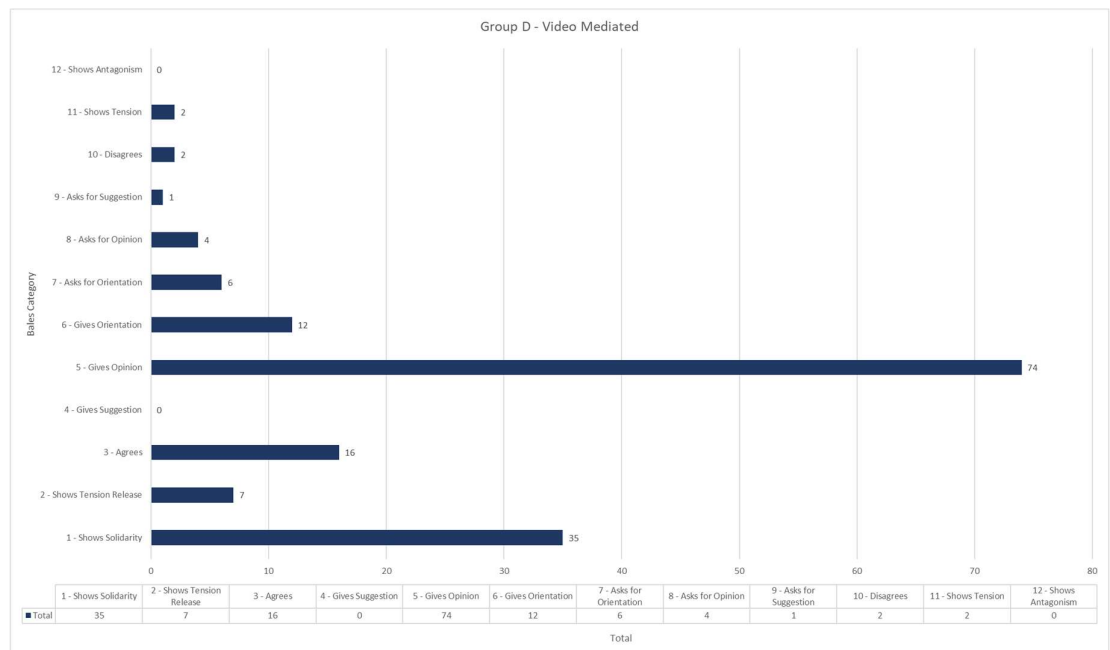


Figure 8 - Small Group Analysis Group D



On an immediate visual comparison between the two conditions, it would appear that they have followed a similar group dynamic, with a particular focus on giving opinions, which Category 5 consistently occurring at a high frequency regardless of condition. However, the one major difference between the face-to-face and the video-mediated condition, is that, in the face-to-face, Category 1, shows solidarity,



occurs almost as frequently as Category 5, however in the video-mediated categories, it occurs much less frequently.

In the analysis of the data, showing solidarity involved any affirmation of a person's position which did extend past single utterances, such as an individual saying 'yeah' or 'mhhh', and other instances as identified by Bales in his original essay.

It is possible that some instances of solidarity were missed in the analysis due to the nature of the screens and recording, however, it was still important to note.

There is also evidence of the group dynamics affecting the result outside of the influence of the medium. Category Two (Shows Tension Release) identifies and categorises instances of laughter and joking among the group, with the video-mediated Group B showing the highest occurrences of this with 22 separate instances, which is much higher than the seven instances in the other video-mediated condition Group D. This discrepancy also occurs in the face-to-face condition, with there being 13 occurrences for Group H and only a single occurrence in Group G.

All groups showed multiple occurrences of giving an opinion, with Category Five being significantly high in all conditions. Due to the nature of the jury deliberation, this is to be expected, as each of the participants are categorically evaluating the evidence which they have been provided for the reason of forming and expressing an opinion as to the accused's guilt.

All of the groups also have low occurrences of disagreement and tension.

Contextually, the disagreements that did occur were minor in nature, and were expressed in an open manner, with participants reciprocating and understanding other's points of view in regards to certain matters. This may have been more of a reflection of the group dynamics due to the individual participants, or it may have been a result of the stimulus that they were deliberating on, as it did not seem to raise many points of contention.

## Interruptions

One of the key areas of this thesis was how groups would interact and how these interactions would be affected by the medium through which they are communicating. How many times participants interrupted each other, and the types of interruptions which occurred were the key focus of data analysis. The four interruption types were an unsuccessful interruption, whereby a participant attempts to speak during another participants turn but is either unacknowledged or willingly stops speaking, leaving the original participants turn unbroken; a successful interruption where a participants attempts to speak during another participants turn and successfully manages to takeover, creating a turn of speech for them; simultaneous speech which occurs when two participants begin to speak at the same time, occasionally both participants finish their passage of speech, however sometimes one participant will stop, allowing the other to take the turn, leading to a successful or unsuccessful interruption; and finally back-channel utterances, which are short statements of affirmation which occur during another participants turn with no intention of taking the turn for themselves, or at the natural end of another participants turn.

Figure 9 – Interruption Occurrence Comparison

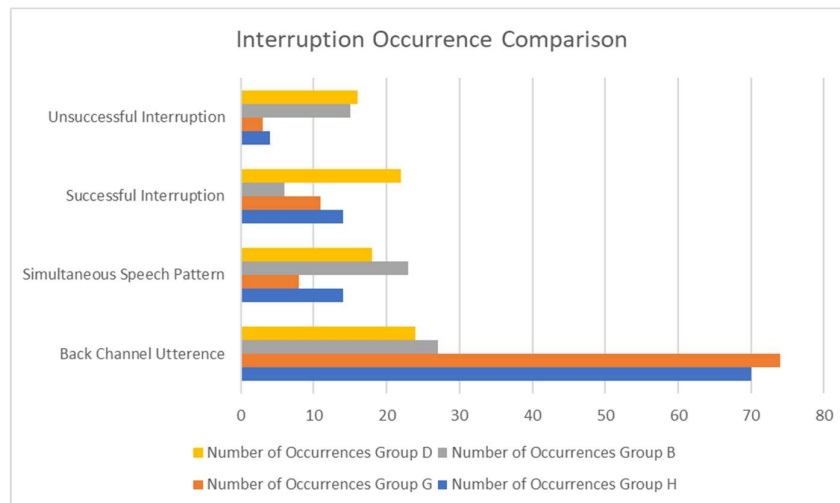


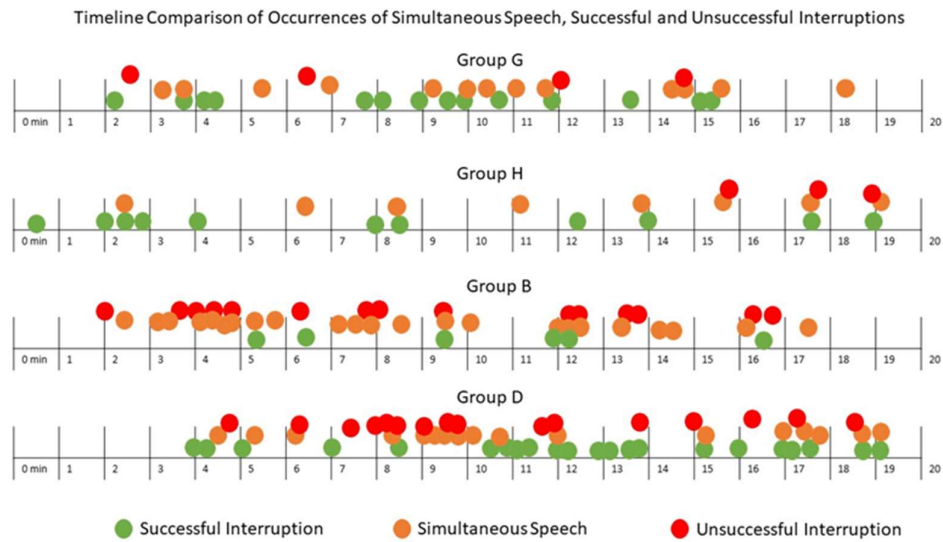
Table 1 - Interruption Occurrence Comparison

Interruption Type	Number of Occurrences			
	Group H	Group G	Group B	Group D
Back Channel Utterance	70	74	27	24
Simultaneous Speech Pattern	14	8	23	18
Successful Interruption	14	11	6	22
Unsuccessful Interruption	4	3	15	16

Table 1 and Figure 9 show a comparison between the interruptions that occurs for each of the groups. Group H and Group G, the two face-to-face conditions, showed higher instances of back channel utterances when compared to the video-mediated conditions of Group B and D. Conversely, Groups' B and D showed higher instances of unsuccessful interruptions and simultaneous speech patterns.

The differences between the interruption occurrences between the groups is visually apparent in Figure 10. The timeline shows that interruptions occurred much more frequently for the video-mediated conditions. Of further note is the cluster of unsuccessful interruptions and simultaneous speech events between the third and the fifth minute for Group B, after which the group settled into a more consistent pattern. One discrepancy between Group B and Group D, the two video-mediated conditions, is around the number of successful interruptions. As shown in Table 1, Group B has a much lower occurrence of successful interruptions when compared to the rest of the groups, whilst Group D has the highest occurrence. This is more so a reflection of the individual participants than the mediums through which they were communicating, as the individuals in Group B, in recognising that they had attempted to interrupt another participants turn, tended to withdraw their interruption until they recognised the natural end of turn, whilst participants in Group D tended to push forward with their interruptions, with the participant who was speaking choosing to cede to the new speaker.

Figure 10 - Interruption Occurrence Timeline



The advantage of displaying data in an occurrence timeline is that the colour coding allows immediate analysis of the differences between the conditions. These discrepancies have already been highlighted through tables and charts, but the higher occurrence of interruptions in the video-mediated conditions can clearly be seen in Figure 10. Back channel utterances were not coded into the occurrence timeline due to their sheer multitude in the face-to-face conditions, and because, by definition, they do not disrupt the flow of conversation but rather work to show affirmative support to the current speaker.

## Discussion Content Observations

**Group H (Face-to-Face)** – Group H approached the discussion with a heavy emphasis on the judge’s instructions, breaking down the necessary elements needed to convict before each giving their opinion. Early on, the group highlighted that based on the evidence they had seen, they did not have enough evidence to convict Lynette.

**Juror 3H** - I think, often or not, there comes like, obviously like the judge at the end said like there is sort of three points to consider.

**Juror 2H** – Mmmm

**Juror 3H** – And that way to consider if its beyond reasonable doubt.

**Juror 2H** – Mmmhmmm

**Juror 3H** – My initial opinion, is that the first sort of ingredient of whether she is guilty or not, was whether it was her.

**Juror 2H** – Mmmhmmm

**Juror 3H** – And I think that there is doubt

**Juror 2H** – Yeah

**Juror 3H** – As to whether it was even her

**Juror 1H** – Yeah

**Juror 3H** – Which is already an issue. Yeah.

This became a reoccurring theme throughout the discussion, with each member bringing up the fact that they wish they had more evidence. This led into the only disagreement throughout the discussion, which was around whether Lynette should have testified. If the court case was shown in its entirety, the groups would have seen Lynette’s testimony and this passage of conversation would not have occurred.

**Juror 2H** – If she chose not to speak do you think that would affect how you see her as guilty or not guilty?

**Juror 3H** – That’s a good question. Do you, what do you think?

**Juror 1H** – Yeah, I think she should speak out.

**Juror 3H** – Okay

**Juror 1H** – She should speak out yeah. Because if she is not speaking, it feels as though she is guilty.

**Juror 2H** – Yeah, to me, if she chose not to speak, it feels like she is holding...

**Juror 1H** – There is something that not been shown

**Juror 2H** – Yeah

**Juror 3H** – Okay

**Juror 2H** – She might be trying to hide something

**Juror 1H** – ...hide something.

**Juror 3H** – I respect that. I feel the opposite. I feel that they have a right to stay silent

**Juror 2H** – Yeah

**Juror 3H** – She may have even given a statement to police, but I think that she does have her right to silence and that it is on the prosecution to prove beyond a reasonable doubt that she is guilty and she doesn't have to necessarily defend herself

**Juror 2H** – So if she chose not to speak

**Juror 3H** – Mmmhmm

**Juror 2H** – That wouldn't affect how you...

**Juror 3H** – No

**Juror 2H** – Okay

**Juror 3H** – It wouldn't affect how I feel. I would love to hear her speak, hear her opinion, her perspective, in fact that would sway me more to her side possibly, but it doesn't change my opinion, I don't think she has to speak and that, I don't know, for me that doesn't come into play. Yeah.

It was an interesting dialogue that only occurred in Group H, the debate about whether seeing Lynette's testimony would lead to a greater belief as to her lack of guilt. One group member believed that Lynette had the right to refuse to testify, as the onus is on the prosecution to prove beyond reasonable doubt that she was involved in the infanticide, whilst the two other group members believed that had she refused to testify, they would infer the decision as one of a guilty conscience.

The groups methodological approach to the discussion saw a number of back channel overlapping positive affirmation, which is to say, the group often demonstrated active listening through utterances of ‘yeah’ and ‘mmmhmm’, however, instances of actual interruption were rare. Instead, the group tended to ask for the opinion of the others, and once a person’s turn came to a natural end, begun their next turn.

Similar to how the discussion began with an overview of the judge’s instructions, the deliberation ended with those same instructions being outlined, with each participant giving their final guilty or not guilty verdict.

The group dynamic seemed to be focused around Juror 3H, who led most of the discussion, supplemented by Juror 2H. Throughout the deliberation, Juror 1H was a quieter participant, often requiring prompting by their fellow jurors to share their insight and opinions on the case.

**Group G (Face-to-Face)** – Similar to Group H, Group G used the judge’s instructions to outline and frame their discussion. While the issue of whether there was enough evidence was raised earlier on in the discussion, it was not a reoccurring theme of the deliberation, with a decision being made that there was enough evidence provided to at least facilitate a discussion.

The defining characteristic of Group G, was the dominance of Juror 1G, who spoke not only the most frequently, but also had passages of speech which were uniquely long in comparison to the other groups. Juror 2G and Juror 3G speak more sparsely and their turns are shorter. This appears to be more of a personality driven quality of the group, with the two jurors appearing to be more naturally reserved and unwilling to share their opinion and Juror 1G stepping up to fill in the silence. Juror 3G in particular barely participates in the conversation at the beginning, expressing that they are unsure, however, as the discussion continues and they become more comfortable, their level of involvement increases.

**Juror 1G:** Yeah. Do you have anything?

**Juror 3G:** No

**Juror 1G:** No? What was your initial thoughts straight after and during, like did you come up with a decision, or were you all up in the air.

**Juror 3G:** I just kind of thought that it was an accident to the child, that's all I really got

This interaction occurs several minutes into the session, with Juror 1G attempting to pull Juror 3G into the conversation. Juror 3G was reluctant to reply and their discomfort and feeling of being unsure was observable.

**Juror 3G:** There was also evidence toward like the fractures in the ribs, apparently, with how Rosie was poking and prodding them in the stomach area

**Juror 2G:** Mmmm

**Juror 1G:** Mmmm, I don't remember that, okay. Yeah.

**Juror 3G:** Cause the ummm, I can't remember it was the person who was against was saying how like with the coffee table with like the smooth surface, could have dropped from a distance and maybe even the side of the coffee table could have fractured the ribs or something but the evidence from the other person sort of shows that maybe

**Juror 1G:** Yup

**Juror 3G:** Rosie was the one who was doing it

Another exchange later in the session shows the shift in group dynamic, with Juror 3G more readily getting involved and sharing both an orientation and an opinion on evidence which had not been brought up by the rest of the group.

Arguably, Group G had the least structure in their approach, despite it being heavily led by one individual. There was less critical thinking about the credibility of the witness and, and greater focus placed on trying to work out Lynette's character and relationship with Rosie. The group also fixated on the foreseeable criterium for a guilty verdict, something which most of the other groups did not focus on as they came to an early decision that there was not enough evidence to meet the reasonable doubt onus.

**Group B (Video-Mediated)** – Of all the groups, Group B was the group which I felt most equally contributed to the discussion, however, there was an element of light-heartedness and joking throughout. Despite this, the group was critical of the witnesses and considered other potential motives behind testimonies. They also were the sole group which did not fixate on the lack of information that they were



provided with, and looked beyond the two witness testimonies in order to also consider the opening statements of the prosecution and defence.

**Juror 2B** – Well seven-year old's too, they would lie, because they were saying at the start that they had video evidence of her saying she didn't do it she didn't do anything, like seven-year old would lie to save their own ass

**Juror 1B** – Of course, yeah

**Juror 2B** – And the thing is that she has gone and said it to the cousin well what if she dropped it, straight away she has known that she has done something

**Juror 3B** – Yeah

**Juror 2B** – And she would tell someone she trusts rather than some stranger who is videoing her

**Juror 3B** – Yeah

**Juror 1B** – It's not hard to coerce a child to say something either. It would be easy for the prosecution to coerce her to be like no I didn't do it

While all of the other groups made a note that they would have loved to have heard testimony from Rosie, Group B recognised that Rosie had testified, but they were not shown it due to time constraints.

Also, interestingly, the groups were only asked to provide a verdict on whether the accused was guilty of manslaughter. In another version of the video that was used in an earlier research project, participants were asked to determine her guilt on three counts, infanticide, manslaughter and negligence. Due to time constraints, this was reduced to just manslaughter for this project, however Group B picked up on the possibility of another charge, suggesting that they were thinking critically about the facts presented, and that the accused may have acted negligently, but also recognised that as they were not adjudicating on that charge, they could not find her guilty of it.

**Juror 1B** – There are three things that they said that are the act had to be unlawful, it had to be foreseeable that it would equate to the death of the child, and it had to be the accused that did it.

**Juror 3B** – Mmmm yeah

**Juror 1B** – And you've got to be certain on all three of those facts

**Juror 3B** – Yeah on that I would say no

**Juror 2B** – Yeah you can't be certain on all three of them

**Juror 3B** – But isn't there like, negligence resulting in death or something, like I feel like there has got to be another charge but for this charge, yeah it would have to be innocent

However, despite discussing the information that they were presented with thoroughly, Group B did tend to fixate on Rosie and jokingly creating conjecture into her character after they had come to their own decision that she was the one who had committed to act.

**Group D (Video-Mediated)** – Group D took a little bit to get started, but similar to Group B, it did not feel as though one individual dominated the entire conversation. Like the other groups before, there was a fixation on the fact that they did not have enough evidence,

**Juror 3D:** There is too much, too much unanswered questions for my liking

**Juror 1D:** Yeah, and I can't say like, there is not enough evidence to say that she did it, not even nearly

**Juror 3D:** Not even slightly. Yup, I'm good with that.

**Juror 1D:** Yeah me too.

**Juror 2D:** Hmmm

**Juror 3D:** You happy?

**Juror 2D:** Yeah, so we're all going innocent?

**Juror 3D:** We are yeah

**Juror 2D:** Fair enough

**Juror 1D:** Just on the basis that there is not enough evidence I think

Group D spent a significant amount of time discussing the injuries to Angus, and how they could have occurred. They also were critical of Nicole as a witness, but quickly came to the conclusion that she was telling the truth. Another similarity between Group D and Group B came from a common theme in the characteristics of the participants. In each group, one member was a mother to a child in a similar age

range to Rosie, and each participant volunteered the information that they knew that their child would be physically capable of causing the damage.

One of the key defining observations in regards to Group D was the lack of flow in the conversation, and there were often passages within the deliberation where each member started to speak simultaneously, and unlike other groups, tended to keep speaking rather than pausing and waiting for the other participant to finish their turn.

**Juror 2D:** I thought-

**Juror 1D:** Because if they were new, that would change everything because-

**Juror 3D:** Of course, it would because it means she has been smacked right there-  
...

**Juror 3D:** Or where their toys hanging around and they were smacked in the face with a toy

**Juror 2D:** They said it was a

**Juror 1D:** You know Rosie could have picked him up and dropped him

Group D also showed one of the rare cases of disagreement, when they were discussing how many times that Angus was dropped in order to cause the fractures on his skull.

**Juror 3D:** But the thing that I didn't like is that it had a head injury on both sides, which would mean it would need to be smacked twice, and both injuries, one went down the way and the other went along the way. She didn't say how old them injuries were either, they just said that she found fractures but she didn't say that they were new fractures or they were old fractures

**Juror 2D:** I thought

**Juror 1D:** Because if they were new, that would change everything because

**Juror 3D:** Of course, it would because it means she has been smacked right there

**Juror 2D:** Also, the fact, that I don't think that the fact that there were two fractures proves that she was hit twice. If it was a strike on the crown of the head, most of the head is cartilage remember, it would have dented and vibrated and cracked on both sides

**Juror 3D:** Yeah but the cracks, the fractures, one went up and down the way and one went along the way, so you would think that if it went down on its head both fractures would be the same

**Juror 2D:** No, I don't personally think that

**Juror 1D:** Yeah that's true

**Juror 2D:** I think that a single smack would have been enough to create two fractures

**Juror 1D:** I just think that its too, if she has been like smacked, there is just no proof that that's what happened

**Juror 3D:** What about the cut on the nose? Where did that come from?

**Juror 1D:** Yeah

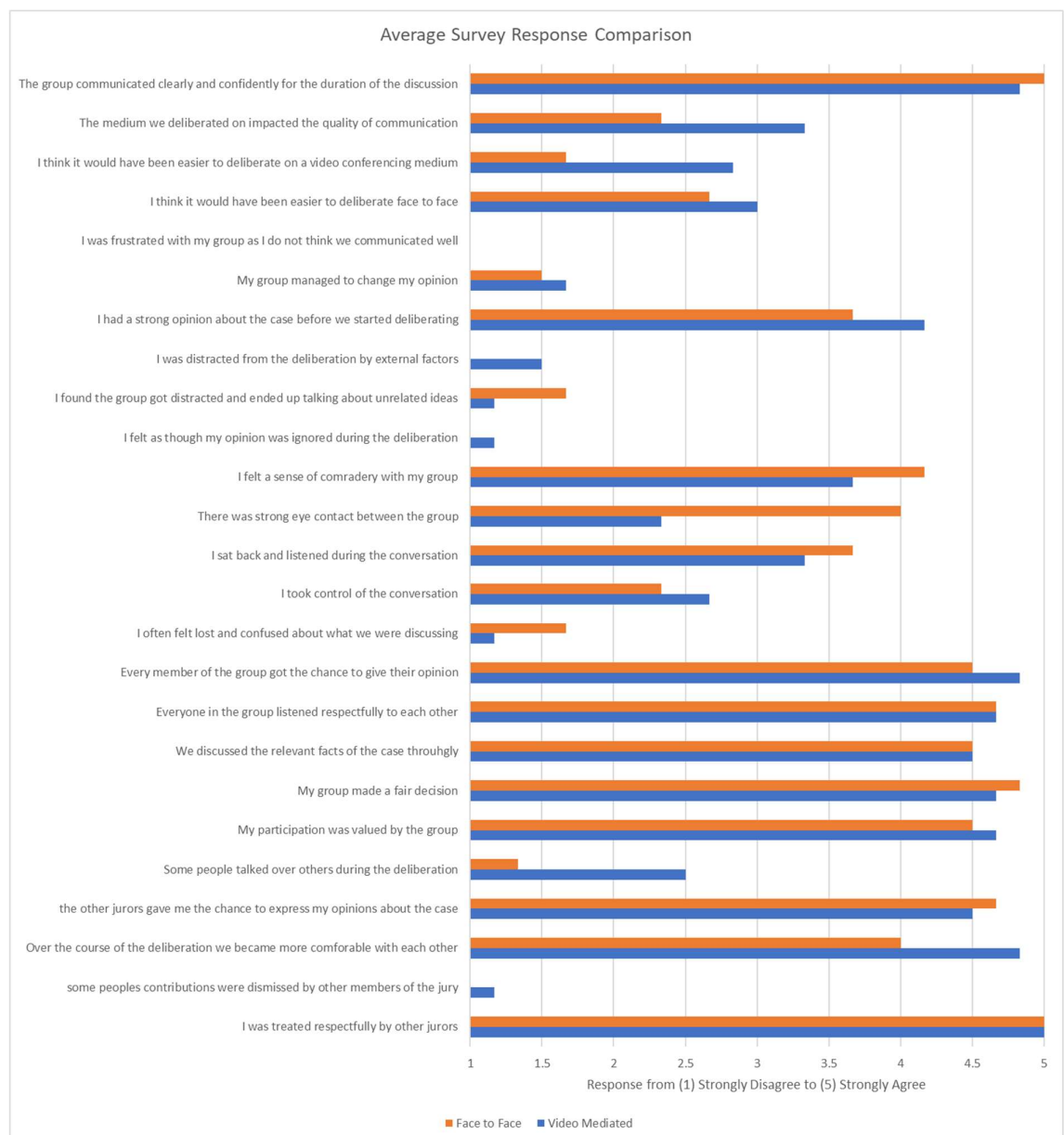
**Juror 2D:** It ended up being... actually that's a good question

Juror 2D and Juror 3D were in disagreement as to whether it was possible Angus was dropped once or twice. While this was just conspiracy either way as the evidence that they had been provided did not offer a concrete answer, both presented their logical arguments until Juror 3D offered the evidence of the cut on Angus' nose, at which point Juror 2D decided to re-evaluate their stance.

## Survey

At the conclusion of the deliberation, participants were asked to fill in a survey, answering a number of questions around their personally experience with both group dynamics and the medium through which they were deliberating. All questions were framed in a Likert scale, with 1 indicating that the participant strongly disagreed with the statement, and 5 indicating that the participant strongly agreed with the statement. This data was collated into a table (Appendix H), and the average response was calculated for comparison, as is shown in Figure 11.

Figure 11 - Average Survey Response Comparison



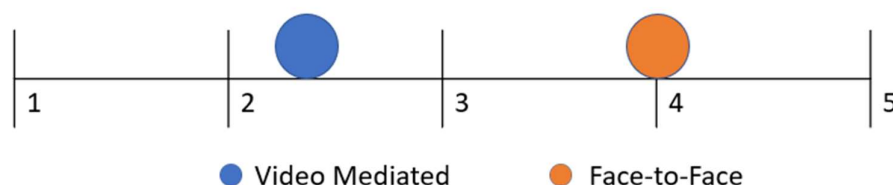
Categories that focused on how the group treated each other showed little discrepancy, with every participant strongly agreeing that they were treated respectfully by other jurors and did not feel any frustration with other members of their group. The groups also all agreed that they believed they had discussed all relevant facts of the case, and were happy with the final decision made.

Table 2 - Average Survey Responses

Survey Questions	Video Mediated	Face to Face
I was treated respectfully by other jurors	5	5
some peoples contributions were dismissed by other members of the jury	1.166666667	1
Over the course of the deliberation we became more comfortable with each other	4.833333333	4
the other jurors gave me the chance to express my opinions about the case	4.5	4.666666667
Some people talked over others during the deliberation	2.5	1.333333333
My participation was valued by the group	4.666666667	4.5
My group made a fair decision	4.666666667	4.833333333
We discussed the relevant facts of the case throughly	4.5	4.5
Everyone in the group listened respectfully to each other	4.666666667	4.666666667
Every member of the group got the chance to give their opinion	4.833333333	4.5
I often felt lost and confused about what we were discussing	1.166666667	1.666666667
I took control of the conversation	2.666666667	2.333333333
I sat back and listened during the conversation	3.333333333	3.666666667
There was strong eye contact between the group	2.333333333	4
I felt a sense of comradery with my group	3.666666667	4.166666667
I felt as though my opinion was ignored during the deliberation	1.166666667	1
I found the group got distracted and ended up talking about unrelated ideas	1.166666667	1.666666667
I was distracted from the deliberation by external factors	1.5	1
I had a strong opinion about the case before we started deliberating	4.166666667	3.666666667
My group managed to change my opinion	1.666666667	1.5
I was frustrated with my group as I do not think we communicated well	1	1
I think it would have been easier to deliberate face to face	3	2.666666667
I think it would have been easier to deliberate on a video conferencing medium	2.833333333	1.666666667
The medium we deliberated on impacted the quality of communication	3.333333333	2.333333333
The group communicated clearly and confidently for the duration of the discussion	4.833333333	5

There are also categories which show a discrepancy between the groups' opinions, with the greatest difference shown in response to the level of perceived eye contact. Table 1 shows the average figures for the two conditions, with the questions 'There was strong eye contact between the group' showing a 1.67-point difference between the average response for participants in the video mediated condition and the face-to-face condition. This discrepancy is highlighted in Figure 12, which shows that the two conditions fall on almost opposite sides of the scale.

Figure 12 - Discrepancy in Eye Contact



Another condition which appears to have a slight discrepancy when comparing the response on Figure 11, is the statement ‘I often found myself confused about what we were doing.’ However, in looking at the individual data responses in Table 2, this difference is created by an outlier response by Juror H3, who agreed with the statement, in direct contrast to the rest of the participants who either agreed or strongly disagreed.

*Table 3 - Outlier in Survey Response*

Question	d1	d2	d3	b1	b2	b3	g1	g2	g3	h1	h2	h3
I often felt lost and confused about what we were discussing		1	2	1	1	1	1	1	1	1	1	2

*Table 4 - Group Comradery Survey Response*

Question	d1	d2	d3	b1	b2	b3	g1	g2	g3	h1	h2	h3
I felt a sense of comradery with my group		3	3	3	5	4	4	4	5	4	4	4

Any difference greater than 0.5 is worth considering and comparing with the results from the other analysed data form the research. This includes responses to:

- Over the course of the deliberation we became more comfortable with each other
- Some people talked over others during the deliberation
- There was strong eye contact between the group
- I felt a sense of comradery with my group
- I found the group got distracted and ended up talking about unrelated ideas
- I was distracted from the deliberation by external factors
- I had a strong opinion about the case before we started deliberating
- I think it would have been easier to deliberate on a video conferencing medium
- The medium we deliberated on impacted the quality of communication

Once again, on the breakdown of individual responses to these categories, some aspects need to be taken into consideration. The average survey responses to ‘I felt a sense of comradery with my group’ indicate that those in the face-to-face condition felt a stronger sense of comradery when compared to those in the video-mediated condition. However, as shown on Table 3, this difference is due to the opinions of Group D, who were unanimously neutral in their response. Conversely, Group B

responded positively, and their numbers are more inline with the responses from the groups in the Face-to-Face conditions.



## Chapter Five - Discussion

The purpose of this thesis was to consider how the medium of communication, video-mediated or face-to-face, impacts upon the quality of deliberation and discussion, and to consider the viability for an increased technological presence within the justice system, building toward the concept of an immersive courtroom. The data was gathered from video recordings of session and surveys of participants, in order to gain both an observational viewpoint as well as the opinions of the participants in order to compare and determine the validity of the observational conclusions. The recorded data was treated thrice, firstly it was observed and transcribed, creating qualitative data through content analysis of the conversation, group relationships and group structure. The data was then treated through the lens of Interaction Process Analysis, created by Robert Bales in 1950. Bales' system sees behaviour, both verbal and nonverbal, categorised in accordance with a predetermined set of categories, which are inclusive of both task behaviour and social-emotional behaviour (Hale, 2010). This data served to provide a direct comparison between how the groups interacted on a more statistical basis, however, Bales' himself has stated that his method is essentially just a different form of content analysis (1950a). Finally, the data was coded for interruption occurrences, with consideration for four different types of interruptions: successful interruptions, unsuccessful interruptions, back channel utterances and simultaneous speech events. Based on the strict quantitative data, it would appear that there is significant difference between the two conditions, however the observational data allows for analysis of this data through a different lens, and brings to the surface a number of different possibilities.

Considering the results individually from the observational content analysis and the Interaction Process Analysis, different pictures appear. Visually observing the graphs resulting from the Bales' methodology, you would assume that the conversation and quality of conversation between groups in each condition were similar, however, a disparity occurs when comparing Category One 'Shows Solidarity'. The results demonstrate that those in the face-to-face condition enacted behaviours which were coded as demonstrating group solidarity at a much more regular rate than those in the video-mediated condition. The coding for the Interaction Process Analysis identified short, affirmative utterances, such as 'yes' and 'mmmhmm', to be a demonstration of

active listening (Drummond, 1989) and, unless followed by a more solid explanation of agreeance or a sharing of opinion, were classified as a show of solidarity. These same utterances tended to be classified as ‘back channel utterances’ during the classification of interruption occurrences. The results from the interruption analysis demonstrate that ‘back channel utterances’ occurred at a much higher rate in the ‘face-to-face’ condition, and the number of occurrences, around 70 for both Group G and Group H, directly correlate to the number of instances of ‘shows of solidarity’ for those same groups. I can not say for certain why the participants in the face-to-face condition were more likely to make short utterances to indicate that they were listening or agreeing to another participant’s statement, but it is these utterances which account for the disparity between the two conditions in regards to statistically showing group solidarity.

While the Interaction Process Analysis data suggests that the groups in the face-to-face condition had a greater sense of group solidarity than those in the video-mediated conditions, the observational analysis presents a different story. When you consider the observational content analysis, even lacking the complete body language scope, the groups in the video-mediated conditions seemed to create a more even conversation where each of the members equally contributed, and there was an easy conversational tone to the deliberations whilst the face-to-face conditions tended to lapse into awkward silences and be led by one individual. There is a number of potential reasons for this, but it most likely comes down to the participant make up of each group and the individual personality of each participant in each condition. Ideally, there would be a greater sample of participants and research conditions to compare, however, due to the scope of this thesis I was limited due to time and resources, so greater repetition and a more psychological consideration on the personalities of participants and their impact of the foundation of conversation is something which should be considered.

As addressed, the one consistent across the data analysed with Bales’ Interaction Process Analysis, was that those in the video-mediated condition demonstrated less group solidarity than those in the face-to-face condition, whilst observational data suggested otherwise. This is not to say that group solidarity did not exist, rather it was just not expressed in a codifiable manner. As stated by Butler and Cureton (1973), Bales’ method, while reliable, relies heavily on logical analysis without

sophisticated statistical techniques, and Bales' (1950a) stated that his method is, in essence, a method of content analysis. Based on observation of the groups, it appeared as though those in the video-mediated condition built an easy conversation, and that there was a feeling of group solidarity. However, at first consideration, the average response from the survey supports the initial findings from the Interaction Process Analysis, with participants in the video-mediated condition feeling a lesser sense of group comradery when compared to participants in the face-to-face condition. In responding to the question of whether they felt a sense of comradery within their group, there was a 0.5 discrepancy between the two conditions. However, the breakdown of individual responses demonstrated that it was Group D that did not feel a strong sense of comradery. Group B, who observationally appeared to be the most coherent group, responded positively to the question, which brings into account the importance of the personalities using the devices, and whether Group D would have responded more positively in a face-to-face environment, or whether it was the individuals in the group that contributed to this lack of comradery. Group B's sense of comradery also aligns with their high scores in regards to tension release under Bales' Interaction Process Analysis. As I stated in my observations, I felt as though Group B was the most cohesive group, and interestingly its characteristics are in direct contrast to the generalised view presented by Doherty-Sneddon et al (1997) that face-to-face communication is less formal, with more simultaneous speech and fewer formal handovers of turns.

If you are to assume that for this research, that in regards to the survey responses a difference of 0.5 is statistically significant, then eight categories are highlighted as being impacted upon by the medium through which the participants deliberated. The medium of communication itself is one of these statistically significant categories, with both groups disagreeing that it would be easier to deliberate on a video-conferencing platform, however participants who actually deliberated on the video medium had a more neutral response than those who deliberated face-to-face, who strongly disagreed that a video conferencing platform would be easier. This result is further collated by the response to the statement 'the medium we deliberated on impacted the quality of communication', with those who deliberated face-to-face disagreeing that their medium impacted the discussion, whilst those who deliberated on the video-conferencing platform agreed that the medium impacted on their

discussion. Therefore, it can be concluded that the participants do feel that there is a difference, and that there is an impact upon the quality of the deliberation caused by the medium through which they are communicating. However, the statement 'it would be easier to deliberate on a video conferencing platform', responses from those who did not use the video-conferencing platform were more negative, indicating a predisposed assumption that it would be more difficult to deliberate across the technological medium. It would be interesting, therefore, to repeat the simulation and have participants exposed to both mediums in order to see if

One of the promising responses to the survey was that participants in the video mediated condition became more comfortable with each other over the course of the deliberation compared to those in the face to face condition. Whilst participants in both conditions agreed that they felt more comfortable over time, there was a difference of 0.8 in their average response, with video-mediated participants strongly agreeing with the statement as opposed to face-to-face participants who simply agreed. This is in line with the findings of van der Kleij (2004), where participants in the video-mediated condition indicated higher levels of satisfaction the longer they used the platform to communicate.

One of the expected differences between face-to-face and video conferencing prior to the research, was that eye contact would be a differential quality between the two conditions. It is unsurprising that the response to the survey statement 'there was strong eye contact within my group' attracted the largest statistically significant difference or 1.67, with face-to-face participants highlighting that they felt as though they had strong eye-contact throughout the discussion, whilst those in the video-mediated category disagreed, believing that they lacked strong eye-contact. Eye contact is essential in regards to interpreting and communicating intent, as gaze allows group members to make sense of other group members attitude, stance and behaviour (Sindoni, 2014). This loss of eye contact through a technological medium is one of the key issues that must be addressed in order for technological integration into the courtroom to be successful.

What was consistent across all groups in the Bales' Interaction Process Analysis was that 'Gives Opinion' ranked highly in occurrence. Given the nature of the deliberation was to come to a decision on whether the defendant was guilty or not

guilty, it would be assumed that participants giving their opinion would occur regularly, and this high occurrence of opinion sharing is supported by the survey results, with answers to ‘the other jurors gave me the chance to express my opinions on the case’ and ‘every member of the group had the chance to express their opinion’ being strongly agreed with by the participants. However, the observational analysis revealed that there was a common opinion which was stated across all groups, and that was that there was not enough evidence available to them to convict the accused, Lynette, beyond a reasonable doubt. As every participant expressed this opinion, it can be assumed that this led into the low instances of disagreement, tension and antagonism that occurred in each group, which is supported by the survey response to the statement ‘my group managed to change my decision’. The overwhelming response from participants was that their opinion was not swayed by their groups, and observation showed that each group reached a similar conclusion, that they believed Rosie was responsible for the death, and that there was not enough evidence to convict the accused based on what they saw. Hare (1973) states that, when using the Bales’ methodology, the ratio of positive to negative reactions tends to increase once a decision has been reached. As each of the groups came to a decision effectively immediately, there was no chance for negative reactions to build. The few disagreements that did occur were more focused on contextual things, such as Group H’s discussion around not seeing Lynette’s testimony, and whether, had she chosen not to speak, would that be indicative of guilt. In this instance, two of the group indicated that they would be more likely to be prejudiced against Lynette if she chose not to testify, while the third member maintained that Lynette had a right to silence and the onus was on the prosecution to prove beyond a reasonable doubt that Lynette was guilty of the crime. This segment of conversation provided an interesting snippet into the issue of jury bias, as technically the minority opinion in this case was factually correct, yet through not seeing the accused testify, the majority of the group admitted that would likely incite bias, however, this is not the focus on this thesis.

The area with the biggest discrepancy was the occurrences of interruptions across both mediums. The higher incidence of interruptions was apparent in both the interruption occurrence analysis, but also in the survey results. The response to the question, ‘some people talked over others during the deliberation’ had a statistical difference of 1.17, with participants from the video-mediated condition indicating

that they agreed with the statement more than their face-to-face counterparts. Prior research by Van der Kleij, Paashuis, Langefeld and Schraagen (2004) suggested that the video-mediated condition would have less interruptions and participants would be more likely to politely wait to take their turn. I did hypothesise otherwise, as I believed the body language cues and lack of eye contact may result in conversational flow being broken. It is also important to note that while Van der Kleij, Paashuis, Langefeld and Schraagen (2004) initial research showed that video-mediated groups were less likely to interrupt and took longer turns, the long-term effect saw them adapt to using the video conferencing platform until there was no significant difference in regards to interruptions, simultaneous speech events and turn taking between the video-mediated and face-to-face conditions. It could be that, due to our exposure to technology on a regular basis, that the participants were already adapted to communicating on a video-mediated platform, as observationally the group dynamics were far removed from the 'lecture-like' response indicated by Van der Kleij, Paashuis, Langefeld and Schraagen (2004), but more akin to familiar and informal conversation.

While it was obvious that the video-mediated condition resulted in higher occurrences of interruptions, what was interesting was that the types of interruptions differed between the two video-mediated groups. Group B showed the highest number of unsuccessful interruptions, which seems to be at odds with its high sense of comradery and observed group dynamic, whilst Group D has the highest incidence of successful interruptions. The reasoning for this can be located in the observations. Group D often created a chain of interruptions, where each participant would interrupt the other until they settled into their new topic. Group B on the other hand, seemed to drop their interruption once they realised that the other person was not yet finished with their passage of speech, and then pick up their interruption at the natural conclusion of the turn.

## Chapter Six - Conclusion

The purpose of this thesis was to determine the impact that the medium of communication had on deliberation in the justice process. It was building upon research done in the pursuit of a distributed courtroom, as digital technology is rapidly changing every aspect of social life, and it has already begun to change how the justice process operates.

‘Toward a Distributed Courtroom’ by Tait, McKimmie, Sarre, Jones, McDonald and Gelb (2017) states that the aim of the creation of a distributed courtroom, or for the purpose of this thesis the immersive courtroom, is to create a courtroom experience which makes use of video-conferencing in a manner which is as similar a co-present face-to-face courtroom as possible. There are already courtrooms taking steps to include technological advancements, such as the McGlothlin e-courtroom developed by Fred Lederer in the College of William and Mary in Virginia. Some of the issues identified in is that speakers may be unable to make eye contact, often miss verbal and nonverbal cues. These issues are ones that I was aware of and highlighted as potential causes which would result in more interruptions in the video-mediated condition.

The research in ‘Toward a Distributed Courtroom’ focused on the experiences of those who watched the defence and the prosecution appear remotely and considered the angle of the observer of a courtroom with remote elements, identifying the perception of each of the observing jury member. The findings demonstrated was little difference between perception of the accused whether he was in court or appearing via video link, however, there was a notable difference between perception when he was seated next to his lawyer and when he was not (Tait et al, 2017). The parties in this research that were remote were actors, and as such were not able to provide a participant perspective of using video link technology. This is a gap that this thesis set out to fill, whilst also considering how the groups interacted across video-mediated platforms compared to face-to-face platforms.

There were three hypotheses that I considered going into this thesis: Unsuccessful interruptions will occur more commonly in the video-mediated condition;  
Simultaneous speech events will occur more commonly in the face-to-face condition;

There will be little practical difference between the two conditions. The first two hypotheses can easily be confirmed or discredited based on the results of the interruption occurrence analysis.

Interruptions, both successful and unsuccessful occurred much more frequently in the video-mediated condition than the face-to-face condition. Simultaneous speech events were also more frequent in the video-mediated condition. However, a higher occurrence of interruptions in the video-mediated condition does not suggest that the groups were not as cohesive or that the discussion was a lesser quality. It is also important to consider whether interruptions were competitive in nature or cooperative in nature (Swets, 2006). As shown in the Bales' Interaction Process Analysis results, there were no instances of antagonism, which would have been coded if an interruption was purposely of a nature to be a deliberate attempt to undermine a person's turn to prevent them from participating as an equal (Bales, 1950). Rather, each interruption tended to be cooperative, with the intention of furthering an idea presented within the conversation, however cues as to the timing of natural endings of speech patterns may have been lost across the video-conferencing platform.

The third hypothesis was that there would be little practical difference between the conditions. The key differences that emerged were in the number of interruptions and back channel utterances, the concept of group solidarity and opinions over whether it would be better to deliberate through one medium. If you take the direct response to the hypothesis based on the survey answers, you could conclude that the hypothesis was disproved, as the participants believed that it was easier to deliberate face-to-face. However, the observational analysis is just as critical to data analysis, and it was my opinion that Group B, who were under the video-mediated condition, analysed the case and deliberated in the clearest and most complete manner. Alternatively, Group G, who deliberated face-to-face, did not comprehensively cover the case, was dictated strongly by the opinions of one juror, while the others did not appear to be as comfortable.

I think that strong emphasis should be placed on the concept of technical adaption described by Van der Kleij, Paashuis, Langefeld and Schraagen (2004). Should this research have been undertaken over an extended period of time, it is possible that the



results would have began to resemble those in Van der Kleij, Paashuis, Langefeld and Schraagen (2004) research, where any difference between the two conditions evened out. This would provide the strongest evidence that the use of video conferencing in the justice system is a viable option, as continued use of the technology would lead to an adaption whereby the video link technology would not be dissimilar to the experience of the face-to-face condition, which was the original intention of ‘Toward a Distributed Courtroom’ by Tait, McKimmie, Sarre, Jones, McDonald and Gelb (2017)

This thesis had a number of limitations which prevented it from reaching its full potential, and as such there is further research to be done. A repetition of the research on a larger scale is the first recommendation. A common complaint among the participants was that they wished that they could have seen more of the video. Due to the time constraints as well as my personal ability to code each of the data sets, this was necessary in order to create a viable Master’s thesis. However, a more rounded set of data would likely occur with the same experimental methodology, where the participants were able to have a more varied contextual case to drive discussion. This could also result in more evidence of antagonism and disagreement, and these negative socio-economic behaviours may express themselves differently across both platforms. I would also recommend locating a better vehicle for the video-mediated discussion. While once again, due to limitations on available material, I had to use iPad’s and Zoom Video Conferencing, it is interesting to consider how a more sophisticated system may have affected issues such as eye contact, and then as a result the number of interruptions. Finally, I would recommend a greater number of repetitions of the research. While the four groups analysed in this research provided a snapshot of the characteristics of their respective conditions, I can’t be certain whether trends, such as the face-to-face conditions recording higher shows of solidarity due to the number of back-channel utterances, would continue to repeat across a broader sample.

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## Appendices

### Appendix A – Group H Transcript

#### Group H Transcription

##### BEGINNING OF SESSION

Juror 3H – Hey There

Juror 1H – Hi

Juror 2H – What do you guys think?

Juror 3H – Umm, I'm just going to go over my notes.

Juror 2H - Mmmm

Juror 3H - I think, often or not, there comes like, obviously like the judge at the end said like there is sort of three points to consider.

Juror 2H – Mmmm

Juror 3H – And that way to consider if its beyond reasonable doubt.

Juror 2H – Mmmhmmm

Juror 3H – My initial opinion, is that the first sort of ingredient of whether she is guilty or not, was whether it was her.

Juror 2H – Mmmhmmm

Juror 3H – And I think that there is doubt

Juror 2H – Yeah

Juror 3H – As to whether it was even her

Juror 1H – Yeah

Juror 3H – Which is already an issue. Yeah.

Juror 2H – What do you think?

Juror 1H – Actually same, it can be only guilty if its beyond reasonable doubt.

Juror 3H – Mmmhmm

Juror 1H – So, there is not much evidence I don't think, that is she that has done it.

Juror 2H – Yeah

Juror 3H – Yeah. How about yourself? (Juror 3H to Juror 1H)

Juror 2H – Yeah, I don't think there is enough evidence.

Juror 3H – Yup.

Juror 2H – To say for sure that, yeah, she is the one who did it.

Juror 3H – Yeah, definitely

Juror 2H – There is still doubt.

Juror 3H – Mmmhmm. I mean, evidently, we are only watching a snippet of it, but so far, I think even on the first point, there is doubt whether she was even the accused, because obviously they are putting Rosie into it as well, and we don't know. Ummm, I'm just trying to think.

Juror 1H – I think it was a tragic accident, which was not intentionally done.

Juror 3H – Yeah, and that plays into the whole was it foreseeable. So, if we are taking it from that perspective, it wasn't foreseeable because obviously there wasn't any intention or they didn't know, it may have been just a tragic accident.

Juror 2H – Yup

Juror 3H – I have a... What the expert had to say was interesting. Obviously, I'm not too familiar with, like, a lot of what it means. But I got in a sense that there was bruising, internal bruising, not necessarily external, there was like a scratch on the nose. I think the conclusions were that she feels that the child must have fallen on a smooth flat object.

Juror 2H – Mmmhmm

Juror 3H – And it must have possibly been dropped from not a short distance, from something, it could have been high, but at the end of the day, anyone could have dropped a child onto a flat surface.

Juror 2H – Yeah, not just the mother.

Juror 3H – Not just the mother, exactly. I mean, there is children in the house, yeah so. And even what the witness had said, Nicole, which is the cousin, even about Rosie's comments about herself dropping the child. And obviously we didn't have a timeline

Juror 2H – Yeah, as soon as she said, like that information came into play, I'm like oh, I don't know, especially because compared to, I don't know if the other kids were premature, but this one was premature, and so, just knowing that there is a difference between a child that goes through their whole process, whereas when you have a premature baby it's still sort of developing.

Juror 3H – Yeah

Juror 2H – So obviously it's more fragile, if you have Rosie coming and doing what she did to the siblings

Juror 3H – Mmmhmmmm

Juror 2H – That could affect

Juror 3H – Definitely. I think that's a really good point. And then Rosie evidently has a history of being

Juror 2H – A little bit rough

Juror 3H – Rough, physical, with her siblings

Juror 3H – Just reading over my notes

Juror 2H – Like there is only just those two witnesses that we can discuss



Juror 3H – Yeah

Juror 2H – Like it just feels like if we had more information, like it would be harder

Juror 3H – Definitely. Um, yeah. It's interesting.

Juror 2H – What do you guys think happened?

Juror 3H – What do you think?

Juror 2H – What do you think happened? With just that information, what do you think happened?

Juror 1H – I think it is not clearly, it is not clearly evident that she had done it, that is what I think

Juror 2H – Mmmhmm

Juror 3H – Mmmhmm

Juror 1H – Something could have happened, by someone, like it's not probably her that had done it is what I think. It is not clearly evident that she had done it.

Juror 3H – Yeah. Yup. What do you think may have happened? (Juror 3H-Juror 2H)

Juror 2H – I don't think it was the mum

Juror 3H – Mhhmhh

Juror 2H – Dropping it because, like, the cousin was there the day before and there are other kids in the house

Juror 3H – Yup

Juror 2H – I think it was an accident, and I'm not sure whether the mum is part of the accident but I feel like it was an accident

Juror 3H – Mhhmhh, okay.

Juror 2H – And Rosie might be involved.

Juror 3H – Yeah (all laugh)

Juror 1H – She is seven years old right?

Juror 2H – Yeah

Juror 3H – Yeah, seven years old, so quite capable of ummm quite capable of doing it

Juror 2H – Mmmm

Juror 3H – I don't think there is any question of that, I mean seven years old, premature baby, it adds up

Juror 2H – And I mean, premature babies are tiny

Juror 3H – Exactly

Juror 1H - Yeah

Juror 2H – They don't weight a lot

Juror 3H – Yeah. Umm, I myself can't conclusively say because evidently, we are only off the Doctor - Rosemary, and the cousin, it would have been interesting to know the whereabouts of people during the time...

Juror 2H – Yes!

Juror 1H – Yes!

Juror 3H – Like where was the mother

Juror 2H – Yes, where was the mother.

Juror 3H – Where was Rosie, where was people? Because the expert did say that you know that the child had recently ingested milk

Juror 2H – Feed, yeah

Juror 1H – Mmmm

Juror 3H – One to two hours before its death approximately, so was Lynette involved in the feeding? It may have been Lynette involved in the feeding because I don't believe they ever said that Rosie was feeding them

Juror 2H – Feeding them, yeah

Juror 3H – Mind you, we're only going off what we heard but yeah

Juror 2H – And the cousin...

Juror 3H – And the cousin

Juror 2H – Wasn't there on the day that it happened right?

Juror 3H – No, and it was only one to two hours before, so it would have been most likely the mother, and that even twelve hours prior, there was bruising. Like, within the twelve hours bruising has occurred.

Juror 2H – Mmmhmm

Juror 3H – So, I don't know, yeah, I just feel like the mum would have feed the child, but then where was the mum after that, like was then the child resting, sleeping after being feed?

Juror 2H – Where was the child and where were the other children?

Juror 3H – Yeah, like was Lynette having a nap because she tends to have a nap when the children sleep, did the mother feed the kids at the same time, was that a common routine then did they all nap after they get feed, then does she nap

Juror 2H – Mmmhmm

Juror 3H – Like, it would be interesting to know ow their routine generally is, or even where the mother claims to be. What's the mothers name? Lynette. Yeah. Ummm, for my opinion, which I think yours is

Juror 1H – The same yeah

Juror 3H – Yeah, can't say at this stage that it was 100% her.

Juror 1H – Yeah

Juror 2H – Mmmhmmm. Yeah. There is still doubt.

Juror 3H – Yeah. Ummm, and also, I remember the cousin saying that she, I dunno I feel like they were the, obviously the prosecution was trying to see, trying to state that, you know, their arguments were that the mother was possibly sleep deprived, you know sleeping issues,

Juror 2H – Mmmm

Juror 3H – And you know, that sort of stuff, but they weren't able to prove that, that you know, that she might have been sleep deprived, or anything like that, because the cousin did say that she had

Juror 2H – She looked fine

Juror 3H – She looked fine and she also commented that she, cause I think the cousin saw the children, I don't know exactly when she saw the child but

Juror 2H – She saw them the day before

Juror 3H – Was it the day before? Oh ok, and she also remarked that she didn't see any markings or anything like that

Juror 2H – Yeah

Juror 3H – Which shows that there may have not been a history of anything malicious or physical because she used to bathe the children, feed the children

Juror 1H – Feed the children, yeah

Juror 2H – Yeah

Juror 3H – Do all that sort of stuff, so surely, she would have seen something external...

Juror 2H – Yup

Juror 3H – If it had been any recent bruising or recent injuries, ummm yeah. But then it's a fall. Yeah. And even, ummm, yeah, I mean it would have been interesting to see what Lynette would have had to say, but obviously she doesn't have to speak. She has a right not to speak. But yeah.

Juror 2H – If she chose not to speak do you think that would affect how you see her as guilty or not guilty?

Juror 3H – That's a good question. Do you, what do you think?

Juror 1H – Yeah, I think she should speak out.

Juror 3H – Okay

Juror 1H – She should speak out yeah. Because if she is not speaking, it feels as though she is guilty.

Juror 2H – Yeah, to me, if she chose not to speak, it feels like she is holding...

Juror 1H – There is something that not been

Juror 2H – Yeah

Juror 1H – Shown

Juror 3H – Okay

Juror 2H – She might be trying to hide something

Juror 1H – ...hide something.

Juror 3H – I respect that. I feel the opposite. I feel that they have a right to stay silent

Juror 2H – Yeah

Juror 3H – She may have even given a statement to police, but I think that she does have her right to silence and that it is on the prosecution to prove beyond a reasonable doubt that she is guilty and she doesn't have to necessarily defend herself

Juror 2H – So if she chose not to speak

Juror 3H – Mmmhmm

Juror 2H – That wouldn't affect how you...

Juror 3H – No

Juror 2H – Okay

Juror 3H – It wouldn't affect how I feel. I would love to hear her speak, hear her opinion, her perspective, in fact that would sway me more to her side possibly, but it doesn't change my opinion, I don't think she has to speak and that, I don't know, for me that doesn't come into play. Yeah.

Juror 2H – Okay

Juror 3H – Yeah

Juror 2H – I don't know, I feel if you don't speak you are trying to hide something

Juror 1H – I agree, the point is...

Juror 2H – Because then you might say something you don't want to say

Juror 3H – No I...

Juror 2H – So you better stay quiet

Juror 1H – yeah

Juror 3H – No, I understand, I definitely understand that. You know it is their right to silence and I think because they use that right doesn't necessarily mean, isn't necessarily indictive of their guilt

Juror 2H – Mmmm

Juror 3H – And the fact is that the defence are putting forward their case, which they believe it wasn't necessarily the accused, it was possibly Rosie or just purely an accident, so I don't know. Yeah, sorry but my opinion is that she doesn't need to speak. (all laugh) I would prefer it but she doesn't need to, it doesn't change it. Ummm, yeah. That was a good question though, that was a good question.

Juror 2H – Interesting

Juror 3H – Yeah. So, are we somewhat in a consensus then that...?

Juror 1H – Yeah

Juror 3H – I don't know, if we were to like. I don't know this is how they do it in the movies, if we were to like guilty, not guilty so. So, your final decisions, what do you guys say?

Juror 2H – If we look back at the last three points that the judge said, you have to be convinced for all three and based on those two witnesses, I don't feel convinced.

Juror 1H – Yeah, I don't feel convinced.

Juror 3H – Yeah

Juror 1H – If it was 100% you could say she is guilty but I don't think she is guilty

Juror 3H – Mmmm

Juror 2H – Yeah, basically the information we have

Juror 1H – The information we have heard

Juror 2H – Yeah

Juror 1H – From that we can't say she is guilty

Juror 3H – I agree, not guilty

Juror 2H – Yeah

Juror 3H – Yay she gets off (all laugh) Exactly, as we all said, even on the first point, was she the accused, even that is doubt so yeah

Juror 2H – I just wish we had more information

Juror 3H – Yeah

Juror 1H – Yeah, we were pretty short of information

Juror 3H – I wonder if they would ever put Rosie to give evidence. I know she is a child and her evidence might be a little somewhat inadmissible because she is more susceptible and that but I'm just curious whether they would ever put her on the stand or not, or get her evidence. But then, no, she's a child, she's quite young.

Juror 2H – What else?

Juror 3H – I don't know

Juror 1H – Nothing

Juror 3H – That's it

Juror 2H – I feel like we would have more stuff to talk about to if we had another witness, if we had more information

Juror 3H – It would be quite fascinating if we had a witness who was quite the contrary to it and then made us like second guess

Juror 2H – Yes

Juror 1H – Yes

Juror 3H – That would be fun

Juror 2H – It's like, what do you think?

Juror 3H – Exactly. Someone who did like say that Lynette is always aggressive

Juror 2H – Unhealthy and drunk

Juror 3H – Stuff like that, yeah

Juror 2H – Or drugs

Juror 3H – I would be like ohh, interesting

Juror 2H – Where was the dad, that's what I want to know.

Juror 3H – I wonder

Juror 1H – They haven't talked about the dad, right?

Juror 3H – No

Juror 2H – Single mum?

Juror 3H – Possibly. I mean, the cousin is the cousin on the dad's side

Juror 2H – Oh okay

Juror 3H – So I wonder if the dad is involved in anyway

Juror 2H – Yeah, hmmm

Juror 2H – What was the thing that the cousin said that Rosie dropped the baby between?

Juror 3H – The seats

Juror 2H – But it wasn't the seats that were shown on the photo

Juror 3H – Well

Juror 2H – Cause she started describing something else

Juror 3H – Yeah that was just her interpretation of what she had said. She interpreted what Rosie had said as it's between the seats that the children sit on and stuff, but I dunno.

Juror 1H – Yeah

Juror 3H – She also said like the gargling sound which is interesting. It's interesting when she pressed her for like times and dates, she got a lot more reserved about it, like didn't want to speak about it

Juror 2H – Mmmm

Juror 3H – Like she said like when did that happen

Juror 2H – Are you sure you don't want to speak anymore?

Juror 3H – Yeah. Guilty, guilty (all laugh)

Juror 2H – That's it, that's all I have

Juror 3H – That's all I've got too. It would be interesting to see what it actually was, what the other experts did say

Juror 2H – Mmmm

Juror 3H – Or what the other witnesses did say and what was the outcome.

Juror 1H – Mmmhmmm

Juror 2H – I wonder why they got that Doctor to be a witness, she was only the assisting coroner, not the actual coroner.

Juror 3H – Ohh

Juror 2H – Other than she was the one who carried out the autopsy, yeah, I don't know.

Juror 3H – Mmmm

Juror 3H – Any final comments?

Juror 1H – Final conclusion

Juror 2H – In conclusion, there is not enough evidence and therefore, not guilty.

END OF SESSION

## Appendix B – Group G Transcript: Face-to-Face

### Group G Transcript

#### BEGINNING OF SESSION

Juror 1G: So, does anyone have any initial thoughts about the video?

Juror 2G: Personally, I don't think it was enough to go through, even though they said it was short, could have given a little bit more

Juror 1G: But at least they had two witnesses, and they were quite different. One knew the family personally and the other was a medical practitioner, so that's quite a good scope of witnesses to get the evidence about. So, I guess that thing that we've got to prove is what the judge said at the end, that in regards to the charge of manslaughter, was the death directly resulted by the accused, the mother Lynette. Two, was it unlawful, so did she know it to be wrong. And number three, was it foreseeable. So that is what we need to prove beyond a reasonable doubt that the accused was guilty of. So how would you guys like to work through this? Do you want to each give your information, or do you want to go by one two and three and prove each one then goes to the next and then see what we come up with? Like we'll start with one, was the death directly caused by the accused and then we'll go to the next thing that she told us to go through.

Juror 3G: Yeah

Juror 1G: Yeah

Juror 2G: Yeah

Juror 1G: So, number one, was the death directly resulted by the accused, so what sort of information do you guys have about that? So, I guess the only direct people that were present at the time of the incident

Juror 2G: Was the daughter and the accused, that's it

Juror 1G: Yeah. And I guess Lynette was in the shower, they make reference to I think

Juror 3G: I can't remember

Juror 2G: Didn't they say that they bathed the kid

Juror 1G: Yeah. So that the kid, no I think that the witness was saying that she had bathed them before like she does normally bathe her

Juror 2G: Before she had her own

Juror 1G: So, what I'm aware of is leading up to the incident is Rosie was unsupervised and the mother was in the shower

Juror 2G: That's right, yeah

Juror 1G: So, ummm, that's who we know was present at the time of the death and we know that the death most likely occurred in the living room which is away from where the mother

Juror 2G: and that it occurred after feeding

Juror 1G: Yeah so that's right, he was fed, so he was taken care of before his death. So that places according to, was it the prosecution or the defence that said that the mother was in the shower, so they said that was where she was present. I can't remember



Juror 2G: But the question is why was Rosie left unattended?

Juror 1G: Yeah, well it's not unlikely in that scenario as everyone has different opinions whether children can be left unattended when they are seven years old

Juror 2G: True

Juror 1G: Umm, and she was taking a shower, like in those types of situations, I find its quite normal for a mother to take a shower. I don't know the duration of how long she was there for

Juror 2G: Mmmm

Juror 1G: But ummm, hmmm. And they said something about, let me double check something. So, death would have occurred within an hour, that's the brain damage, so me

Juror 2G: It's very intense though, there is not much detail she gave us when she did the

Juror 1G: Yeah

Juror 2G: The examination on the forehead.

Juror 1G: Yeah. Do you guys find like, from what you have heard, like, we can talk about it further, but that the mother was directly involved in the death, like the death resulted by the accused being directly involved in it Look we don't know. Yeah.

Juror 2G: I think she may have

Juror 1G: Yeah

Juror 2G: I think she may have had prior knowledge

Juror 1G: Yeah. Yeah.

Juror 2G: Going off what the cousin was saying about Rosie

Juror 1G: Yeah, so that's definitely got to do with the foreseeable, where the accused was able to foresee that that could have happened, Juror 3Gause there was a comment by the cousin saying what she saw Rosie do, however, I don't feel that that is sufficient enough to warrant, like her being charged in a foreseeable, like the count of foreseeable. Cause I don't know, what do you think. Just Juror 3Gause someone told you that your daughter was poking at someone, doesn't mean that that daughter was eventually going to lead to a death, or that could have led to a death.

Juror 2G: But they didn't tell us whether anything else occurred besides that.

Juror 1G: Yeah

Juror 2G: Just one incident, yeah, it's a start.

Juror 1G: Yeah. Do you have anything?

Juror 3G: No

Juror 1G: No? What was your initial thoughts straight after and during, like did you come up with a decision, or were you all up in the air.

Juror 3G: I just kind of thought that it was an accident to the child, that's all I really got

Juror 1G: Yeah, I think that's definitely something we could see to some degree, like, I think it's definitely that case like that it probably was in terms of an accident directly by the child

Juror 3G: Mmmm

Juror 1G: And not directly by the accused

Juror 2G: There was nothing to point her

Juror 1G: Yeah

Juror 2G: The mother as being of fault, to me personally

Juror 1G: Yeah

Juror 3G: Mmmm

Juror 1G: Yeah, that's right

Juror 2G: Considering what the cousin was saying, how, what she does for the kids, how supportive she is, she does bathe them, feed them.

Juror 1G: Yeah

Juror 3G: How much she loves her children as well

Juror 1G: Yeah

Juror 2G: Yeah

Juror 1G: But even taking into consideration, that when the judge said that the second thing is an unlawful act, so she knew it to be wrong, when Rosie poked the child, Harry, the mother, the way she responded, was, I think, an appropriate way. She knew that the action that Rosie did was wrong. It wasn't like overly aggressive with Rosie, but she told her the difference between wrong and right

Juror 2G: Mmmm

Juror 1G: And that means that to some degree she has a moral compass, which that means in my eyes that she knows what's wrong and what's right and she knew to some degree how she handles a child what is wrong or right. So, I think that her actions were that she wasn't directly involved, she knew the difference between how to handle a kid appropriately and the wrong way to handle a kid that could lead to injuries

Juror 3G: Mmmm

Juror 1G: And I don't think there was any evidence of a pattern of abuse

Juror 3G: Yeah

Juror 1G: And I think that is what the prosecution said that was what their claim was that there was a pattern of abuse, but did you see a pattern of abuse prior to that?

Juror 2G: Uhhhuhh, no.

Juror 3G: No

Juror 1G: No, so like yeah. I never saw that the mother mishandled her child in any way prior to that incident. So, which obviously for me shows that it was not a pattern of abuse, it was, to some degree like you said an accident, that single event.

Juror 2G: Definitely

Juror 1G: Yeah, I think to some degree they did tell us it's possible to come up with an immediate response which is I presume that it is to think it is an accident

Juror 3G: And also, Rosie has sort of half admitted

Juror 1G: Yeah, Yeah

Juror 3G: to doing it as well.

Juror 1G: Yeah

Juror 2G: True

Juror 1G: Because we have to take into consideration a seven-year-old, the way that they think is completely different to an adult, where their moral compass is not as concrete as an adult

Juror 3G: Mmmm

Juror 1G: So, by her saying to her cousin, asking those questions in a leading way like insinuating that she probably was present at the time of the accident, that's what she was insinuating, and Juror 3Gause of her actions she was Juror 3Goming restless

Juror 2G: How could you tell she was?

Juror 1G: Yeah, and how detailed

Juror 2G: And how it happened.

Juror 1G: So that does prove that Rosie was present at the time of the incident and there was no comment about her mother being present. So, like you said, it looks like the accident took place in front of Rosie and not the mother, so the mother was not directly a result was not directly in the room, in any way or form, present at the time of the death. Where it took place.

Juror 3G: Mmmm

Juror 1G: And I do remember at the beginning of the video, they did state that the mother called the ambulance

Juror 3G: Mmmm

Juror 2G: Yeah

Juror 1G: Or emergency services. Yeah.

Juror 2G: That shows empathy that she wasn't

Juror 1G: Yeah

Juror 2G: the cause of it, she does care

Juror 1G: Yeah, she does care, and there are signs of it like we've read that Rosie was Juror 3Goming unempathetic toward her mum and her emotions at the time, she was kind of like disassociated, with what happened

Juror 3G: Mmmm

Juror 1G: Yeah, it definitely puts signs toward Rosie was the one who was present, not the mother, and that the mother did respond as quick as what she could to what she saw, she called emergency services. But when you think that, when says number three was the foreseeable could this have been prevented in anyway, could this have been prevented by the accused, do you think it was? Like I know there were signs, like the cousin mentioned something but do you really Juror 1Gieve that it was foreseeable by the accused? Like could the accused have stopped it, did she know something was going to happen or?

Juror 3G: She could have done something

Juror 1G: Yeah

Juror 2G: Yeah

Juror 3G: Juror 3Gause the cousin was saying how Rosie was sort of treating the other kids like they were just dolls

Juror 2G: Mmmhmm

Juror 3G: She could have put them in one of those little play pen things

Juror 1G: Yeah, I get you

Juror 3G: And then Rosie couldn't quite get to them

Juror 2G: I agree

Juror 3G: So

Juror 1G: So yeah, it sounds like Angus wasn't in a secure environment, let alone to be in with Rosie who we already know has a behaviour that is she is pretty rough

Juror 3G: Mmmm

Juror 1G: Already, so that is pretty weary already, he wasn't even in like a play pen

Juror 3G: Yeah

Juror 2G: Safe inside it

Juror 1G: Yeah, and she already knew about Rosie's behaviour prior to that. Yeah. So, we're kind of a bit on the foreseeable side thinking that there was a chance that she could have foreseen it

Juror 3G: yeah

Juror 2G: Mmmhmm

Juror 1G: yeah

Juror 2G: There are a lot of things that could have been done to prevent it from happening, if there was more than one person who could see changes in Rosie

Juror 1G: Yeah, yeah, and it's not like the cousin didn't make it apparent to Lynette, like she told Lynette what she saw and Lynette agreed. Lynette was like yeah, I agree and she did speak to Rosie about her behaviour. So, she was aware of Rosie's behaviour, she knew what Rosie was doing, I think even the cousin said something about how she noticed the day before that the way that Rosie was acting toward the children was a bit rough at times

Juror 3G: There was also evidence toward like the fractures in the ribs, apparently, with how Rosie was poking and prodding them in the stomach area

Juror 2G: Mmmm

Juror 1G: Mmmm, I don't remember that, okay. Yeah.

Juror 3G: Cause the ummm, I can't remember it was the person who was against was saying how like with the coffee table with like the smooth surface, could have dropped from a distance and maybe even the side of the coffee table could have fractured the ribs or something but the evidence from the other person sort of shows that maybe

Juror 1G: Yup

Juror 3G: Rosie was the one who was doing it

Juror 1G: It did say that it needed a severe degree of force, so it was a smooth flat object on a wide surface, so they were saying about the coffee table. Did they make a comment about 132cm and that?

Juror 3G: The doctor did say that the height could be from like waist or like Juror 1Gow from like an average human adult's height as well

Juror 2G: But how tall was Rosie, that's the thing?

Juror 1G: I don't know, I'm not sure how tall a seven-year-old is

Juror 3G: It wouldn't be that tall

Juror 1G: Yeah

Juror 3G: Like it would probably be tall enough to drop something from waist height

Juror 1G: yeah

Juror 2G: Yeah, definitely opens another window

Juror 1G: Yeah. Do you think there is any merit to discussion around her having broken sleep or nah, you think that's irrelevant because she seemed to be able to?

Juror 2G: But that's just normal

Juror 1G: Yeah

Juror 2G: Don't you

Juror 1G: That's what the cousin was saying

Juror 2G: Expect that

Juror 1G: It's nothing to do with tiredness, like you said, she fed the kid, she was able to look after the kids enough

Juror 2G: But if she has her family there to help her it shouldn't be that much broken

Juror 1G: Yeah

Juror 3G: But even the cousin was saying that on the day of the accident she looked fine and she didn't look stressed

Juror 2G: Mmmm

Juror 1G: Yeah

Juror 3G: She didn't look tired

Juror 1G: It was just Rosie who appeared to be a bit like disassociated and in that respect, yeah. Yeah, I don't know. Do you guys suspect that the mother did it in any way or do we think its Rosie?

Juror 2G: I think it's Rosie

Juror 3G: I Juror 1Gieve it's Rosie

Juror 1G: Yeah, I agree

Juror 3G: Like everything just sort of points toward the seven-year-old

Juror 1G: Yeah

Juror 3G: The only thing that really points toward the mother is the curdled milk that was found in Angus's stomach

Juror 1G: yeah

Juror 2G: Mmmm

Juror 3G: But that could have just been by accident as well

Juror 2G: True

Juror 3G: Like you probably just couldn't tell at the time

Juror 1G: Mmmm, yeah

Juror 2G: Alright, with what you just said and with what they were saying about the height, I dunno, it's making me think that maybe, it could be the mum

Juror 1G: Perhaps so, cause yeah

Juror 2G: I dunno, Juror 3Gause what if she actually fed him for a reason

Juror 1G: Yeah

Juror 2G: But the height I just get confused

Juror 1G: I think that evidence around that there was no pattern of abuse really speaks to the nature of the mum in terms that she was a loving caring mother, they painted that picture but it was also proven by the witness as well, so she cared for her child and she was never violent toward her child from what we could see, that was cooperated by the doctor, there was no pattern of abuse, yeah I just think that uhh , yes I think that to some degree, it maybe could have been foreseeable, not, I don't think that Rosie committed an act of violence in the degree that she did, I think that she was just a bit rough with the children and I think that the mother was aware of that

Juror 2G: She would never have gone that far

Juror 1G: But in that respect, I don't think anyone could foresee that

Juror 3G: Mmmm

Juror 1G: Like I think there were not that many signs of

Juror 2G: Just normal sibling rivalry

Juror 1G: Yeah, that's the way I saw it and when it was addressed by the cousin, Lynette she did respond to her appropriately from what I could see was appropriately, appropriate response to deal with something like that. But like you, we mentioned that the kid wasn't even in a play pen so there is that

Juror 3G: Yeah

Juror 1G: Like, where was the kid situated

Juror 3G: Stopped it in some way

Juror 1G: Yeah

Juror 2G: Unless it didn't happen that often, like once in a blue moon

Juror 1G: Yeah

Juror 3G: Mmmm

Juror 2G: Nope, I'm happy with that, I'll go with the daughter (all laugh)

Juror 1G: Yeah, no, I think we are getting the sense that the daughter did it, but then again in regards to the accused being charged with manslaughter, it sounds like we all believe that she wasn't directly the result of the death, she wasn't directly involved

Juror 2G: A participant

Juror 1G: Yeah, and it was not an unlawful act that she knew to be wrong and I think we are up in the air as to foreseeable, but to the degree that she could foresee that a death could have happened due to the roughness of Rosie's behaviour, I think that's nah

Juror 2G: I think that

Juror 3G: You would just think of the point to injuries not death

Juror 1G: Yeah, but if there was, if Rosie was really rough with them, then there would have been more injuries

Juror 2G: I agree

Juror 3G: The only thing that showed injury from Rosie doing something

Juror 1G: Yeah

Juror 3G: Was like the ribs from Rosie poking them

Juror 2G: Yeah

Juror 3G: Other than that, no other sort of injuries on the kids

Juror 1G: Yeah shows that Rosie wasn't like, to that degree, leaving any visible injuries or like externally, so I don't think to that degree that the accused could have foreseen it happening, that scenario. And like as we said, it was very short, so we have take that into consideration that we didn't get the whole picture

Juror 2G: Mmmm

Juror 3G: Yeah

Juror 1G: Because otherwise we would have been asking those questions, where was the child, where was he situated.

Juror 2G: I would have loved another relative, or a school teacher, someone to talk about Rosie

Juror 1G: Yeah to get more of an idea so that we know it's Rosie

Juror 2G: Yeah

Juror 1G: But yeah.

END OF SESSION



## Appendix C – Group B Transcript: Video-Mediated

### Group B Transcript

#### BEGINNING OF SESSION

Juror 3B – Okay so what are your thoughts?

Juror 1B – I don't think we can say beyond reasonable doubt that she is guilty

Juror 3B – I agree. <Juror> where are you?

Juror 1B – You're fuzzy. Yay.

Juror 2B - Okay

Juror 3B – I agree with that

Juror 1B – Yeah, I'm not saying she is not guilty but you can't be 100%.

Juror 3B – Yeah. What do you think <Juror>?

Juror 2B – I missed all of that because it was frozen (all laugh) so what was said?

Juror 1B – We didn't say much, just agreed that we can't be sure beyond reasonable doubt that she was the one responsible and that it was on purpose.

Juror 2B – Yeah

Juror 1B – So we can't say that she is guilty because it doesn't meet the criteria of what the judge said

Juror 2B – There wasn't, in my opinion, there wasn't enough evidence against her

Juror 1B – Yeah

Juror 3B – Yeah

Juror 2B – Because they were just saying he was dropped but then their saying at the same time that Rosie could have held him, so how could you really say she was the one who dropped her?

Juror 3B – But did you guys get any information about the height from which they thought it wasn't possible for him to die

Juror 2B – Ummm, 132 centimetres

Juror 3B – Like to die, uhh okay. How old is a seven year...? How tall is a seven-year-old?

Juror 2B – How old

Juror 3B – Like is it possible that it could have been her or is he saying that it's not possible that it could have been Rosie?

Juror 1B – My assumption was that the 132 was her height, but then they asked the Doctor they said waist height, above waist height

Juror 3B – Yeah, so...

Juror 1B – So they ruled out anything below waist height

Juror 3B – Hmmm, is a seven-year-old at waist height?

Juror 2B – My...

Juror 1B – My five-year-old is but he is quite tall

Juror 2B – But that would mean that she held the baby above her head

Juror 3B – That's what I was thinking yeah

Juror 1B – Didn't they say she is bigger than a normal seven-year-old?

Juror 3B – Yeah

Juror 2B – Yeah

Juror 3B – Mmmm, yup.

Juror 2B – I'm just looking at my stuff.

Juror 3B – So how old was the baby? A couple months old?

Juror 1B – And premature

Juror 3B – Yeah

Juror 2B – So they are a lot weaker too.

Juror 1B – Mmmm

Juror 3B – But how would she have dropped him on his head? Flat. No, because she said it was like a flat surface. Like isn't that weird, she wouldn't have had the thought surely to drop the baby on his head to kill him

Juror 1B - Maybe she...

Juror 2B – It might have been an accident

Juror 1B – swung him from his legs. Do you know what I mean, if you picked a baby up by its legs and dropped it...?

Juror 3B – Yeah, yeah, yeah true

Juror 2B – So by the sounds of it, we think it was Rosie that did it

Juror 3B – Yes

Juror 2B – But then, the thing is that, this is what I was saying before, is that the mum could still get done for manslaughter, because she knew that Rosie had been like holding these, oh wait my iPad's slipping, Uhh, had been holding these infant boys like I don't know how to say it

Juror 3B – Like inappropriately

Juror 2B – Roughly, so

Juror 1B – But it's like she had to have done something she knew was illegal and it's not really illegal to leave a shit child with your baby. You know what I mean, like, it's not illegal to go and have a shower and leave a seven-year-old with a baby. It's irresponsible

Juror 3B – Yeah

Juror 1B – But it's not really breaking a law

Juror 2B – Yeah

Juror 1B – It's negligent

Juror 2B – Keep the kid locked in the room

Juror 1B – Yeah, if she handed the baby to the daughter, then maybe that's like

Juror 3B – But also, how is it, cause they said like ummm, within hours the death was within hours of the injury would she have not noticed for hours that something was wrong?

Juror 1B – I didn't get like the bit about the milk within one or two hours, like if the mum knew that he had a brain haemorrhage

Juror 3B – Yeah

Juror 1B – Why would she give him milk?

Juror 3B – Yeah, and Rosie said that she could hear him gurgling, but why did the mum not hear him gurgling? Like and never say something

Juror 1B – And then like the other thing was like in the end when they were like he would have been unconscious when it happened

Juror 3B – Yeah

Juror 1B – But you can't drink milk if you are unconscious

Juror 2B – Actually, now that you bring that up, that makes sense, because Rosie and the skull happened twelve hours before death, apparently when that happened, he goes unconscious straight away and there is no crying

Juror 3B – Yeah

Juror 2B – So something else has happened after that, after the bruising on the skull

Juror 3B – And she was saying about the two fractures on either side of the skull

Juror 1B – So maybe she dropped him twelve hours before and then dropped him again

Juror 3B – Mmmm, how dodgy (All laughing) Does that make her a psychopath or something, I feel like she should.

Juror 1B – She sounds sociopathic. What seven-year-old witnesses a child's death and is like meh (all laugh)

Juror 3B – When they said that I was like understandable like she is seven years old, she doesn't understand the concept of death but

Juror 1B – I think that kids that age are capable of showing empathy

Juror 3B – True, like they are always crying

Juror 1B – Like when a dog dies or something. Yeah, it's a bit weird. (all laugh)

Juror 3B – Why are you laughing?

Juror 1B – The conversation too

Juror 2B – So Rosie is a psychopath

Juror 3B – Basically yes

Juror 2B – That's why she doesn't cry (all laugh) and I feel like if we go outside, we'll find a few dead birds and stuff in the backyard

Juror 3B – Yes

Juror 1B – Dolls with their heads chopped off, like the kid from Toy Story that mutilates

Juror 3B – Ewwwww

Juror 2B – Yeah oh

Juror 3B – Yeah, easy

Juror 1B – Yeah, I definitely think that there is not enough evidence to suggest that the mum is guilty

Juror 2B – Too many holes in the story

Juror 1B – Irresponsible for leaving a seven-year-old with triplet babies, premature babies, while she had a shower. Yeah.

Juror 3B – But also triplets, nah, that would be exhausting, I would want to get away too.

Juror 2B – How many kids did she have? She had Rosie and she had the triplets...

Juror 3B – Triplets

Juror 2B – Was Angus part of the triplets?

Juror 3B – I think so

Juror 2B – And then there was Harry, is he a triplet?

Juror 3B – Yeah, I believe there were three boy triplets and then Rosie.

Juror 2B – And Rosie, okay.

Juror 3B – Mmmm, was it meant to be this easy?

Juror 2B – I don't know. I think that this is meant to make us think of who we thought. I don't know.

Juror 3B – I didn't really have any other evidence that mattered. Like the evidence from the prosecutor was just, yeah it was weird, it wasn't like it was in support of her killing, I felt like everything was towards Rosie like geared toward Rosie

Juror 1B – The prosecutor should have had another medical person like it would have been more convincing, because her story just seemed like the pieces didn't really fit together

Juror 3B – Yeah

Juror 1B – Like it didn't make much sense

Juror 3B – And didn't she say she had only been doing coroner stuff since 2000. I wasn't really paying attention to her credentials but when she said that I was like Uhhhuuh

Juror 2B – About a year or so she had been doing it

Juror 3B – So that's really not very long

Juror 1B – The defence too, there has been so much contest about this stuff and these kinds of things in medical journals

Juror 3B – Yeah

Juror 1B – And professionals can't agree that X symptom equals Y outcome

Juror 3B – Yeah

Juror 1B – It's like how can you be an expert if the whole field can't even make a decision on if it's accurate or not

Juror 3B – Yeah, I couldn't say for sure, even from the start I was like ohh there is already doubt with the girl being like crazy and stuff (all laugh)

Juror 1B – And it's pretty unlikely, if that lady is the cousin or whatever, that she has grown up around that kid, she is not just going to throw her in the deep end and be like yup this kids a sociopath and she killed him (all laugh) Like she is going to have to live with the knowledge that she killed her own brother for the rest of her life, that's pretty traumatic

Juror 3B – Yeah, but she'll probably love it if she is a psychopath

Juror 2B – Well seven-year old's too, they would lie, because they were saying at the start that they had video evidence of her saying she didn't do it she didn't do anything, like seven-year old would lie to save their own ass

Juror 1B – Of course, yeah

Juror 2B – And the thing is that she has gone and said it to the cousin well what if she dropped it, straight away she has known that she has done something

Juror 3B – Yeah

Juror 2B – And she would tell someone she trusts rather than some stranger who is videoing her

Juror 3B – Yeah

Juror 1B – It's not hard to coerce a child to say something either. It would be easy for the prosecution to coerce her to be like no I didn't do it

Juror 3B – Yeah

Juror 2B – Yeah

Juror 1B – It's not really overwhelming evidence

Juror 3B – And when they were saying she is super fidgeting and stuff when

Juror 1B – It would have been better to get like a child psych to talk to her, someone more legit

Juror 2B – Now I'm thinking like Law and Order (all laugh) Should have got Wu.

Juror 3B – You wouldn't have got picked for this jury

Juror 2B – I don't know, if we are not looking at Rosie, but we are looking at Rosie but we are still looking at the mum, so we don't think the mum is guilty?

Juror 3B – Nah, I don't think for sure

Juror 2B – Because

Juror 1B – What was the thing about broken wrists or broken ribs or something at the beginning? That it was like barely mentioned that the other kids had fractures that were inconsistent with normal baby play

Juror 3B – Yeah

Juror 1B – But then that could have been caused by the

Juror 2B – Rosie?

Juror 1B – Yeah

Juror 3B – I'll just get out of the sun. Oh, nope. Okay, I'm just in the sun, whatever. But yeah, that was weird, but they never really bought it up again

Juror 1B – Yeah

Juror 2B – Yeah, but if they are premature like I said they are weak, I'm sure that their bones will break a lot easier than a fully-grown baby

Juror 3B – Yeah, that's true

Juror 2B – Did you guys get anything on that blood clot slash Durer I think they said it was

Juror 1B – Underneath the Durer or whatever that protects the brain

Juror 3B – Yeah, they said that there were blood clots in the, it's called a subdural haemorrhage and it was within hours of the death, which kind of supports if he was dropped a couple of times. But also, within hours is very vague. Like that could be one hour or that could be 12 hours

Juror 2B – I just

Juror 3B – Because at the start she said that there was fresh bruising, twelve hours from injury to death from that fresh bruising to death, so I feel like it yeah, it's just really weird

Juror 2B – Maybe the baby got dropped twice

Juror 3B – Yeah, well surely right

Juror 2B – So maybe the mum dropped it and also the sister dropped it, but when the sister dropped it is when it died

Juror 3B – I just don't get how he could be unconscious for a few hours and her not notice anything and if Rosie heard the gurgling, yeah weird how the mum missed that

Juror 2B – But if the mum was paying more attention, could have got medical help

Juror 3B – Yeah, that's why I'm like it could be manslaughter but

Juror 2B – Cause, yeah

Juror 3B – I don't think it was manslaughter because she dropped the baby. Like indirect manslaughter or whatever they call it

Juror 1B – There are three things that they said that are the act had to be unlawful, it had to be foreseeable that it would equate to the death of the child, and it had to be the accused that did it.

Juror 3B – Mmmm yeah

Juror 1B – And you've got to be certain on all three of those facts

Juror 3B – Yeah on that I would say no

Juror 2B – Yeah you can't be certain on all three of them

Juror 3B – But isn't there like, negligence resulting in death or something, like I feel like there has got to be another charge but for this charge, yeah it would have to be innocent

Juror 2B – We're just going to change this whole case around and put another charge in there

Juror 1B – It just sounds like bad decision making

Juror 3B – Yeah, but also when they approached her like when they introduced her, she looked really just over it, the mum

Juror 1B – Yeah

Juror 3B – Yeah, she didn't look very emotional. I guess it would be exhausting

Juror 2B – Well you

Juror 1B – I thought the same thing about the cousin, I was like I would be bawling my eyes out if my nephew was dead

Juror 2B – She was very suspicious, like when she was talking, she was shifty

Juror 3B – Yeah

Juror 2B – Like she didn't

Juror 1B – They are actors, though right?

Juror 3B – Also true

Juror 2B – Terrible actors (all laugh) that or maybe she is lying

Juror 1B – Yeah, you would just think that they would be more emotional I guess

Juror 2B – She could be lying and just putting Rosie under the bus to save the cousin

Juror 1B – If she knows she won't go to jail because she is seven

Juror 3B – Ooooooooo

Juror 1B – She can't be culpable because she doesn't have the mens rea, true but that's pretty messed up to do that to a little kid.

Juror 2B – Right, because the kids got to live with that forever. Maybe the cousin did it (all laugh)

Juror 1B – She was there before the fact, she just pretended she came after, snuck in while the mum was in the shower

Juror 3B – Rosie heard the gurgling

Juror 1B – I'm joking, I'm joking

Juror 3B – But halfway through I was wondering what it would be like to be on an actual jury. Have either of you been called?

Juror 1B – No, How scary.

Juror 3B – Oh but like once its right in front of you like it actually is someone's life, it's ridiculous, so much pressure

Juror 2B – That's why no one wants to do it

Juror 3B – yeah. I thought it was like because everyone was getting minimum wage

Juror 1B – That too (all laugh) Alright, so we've agreed that we can't say beyond reasonable doubt that the mother committed the crime, knew that it was foreseeable, knew that it would result in the child's death

Juror 2B – Yup

Juror 3B – Yeah

Juror 2B – Because there is not enough evidence in my opinion to really pinpoint it on the mum

Juror 3B – Yeah, it's really all circumstantial

Juror 1B – If it was like bruising to the kids arms that matched the mum's handprint

Juror 3B – Yeah

Juror 1B – You know what I mean, it's like she has grabbed the child and lobbed him at the table, then you couldn't really argue with that

Juror 3B – and all the kids were nourished, like adequately nourished and stuff so there wasn't neglect like physical neglect.

Juror 1B – Yeah

END OF SESSION



## Appendix D – Group D Transcript: Video-Mediated

### Group D Transcript

#### BEGINNING OF SESSION

Juror 2D: So, we should be discussing the results of the trial.

Juror 1D: Yep

Juror 2D: Well, uhh, personally what I got out of that is that the only proof we had is the child's injuries and everything else was

Juror 1D: Yeah

Juror 2D: Nothing but witness statements and observations and assumptions and from what I could tell nothing there appeared to be certain it was all guesses and I don't think I'm comfortable indicting someone over an assumption.

Juror 1D: I'm the same, I think it was all on circumstance and the thing is I agree that maybe they should have told Rosie to be aware of it and they should have done something about Rosie, but at the same time we don't know if she did it either, and I just don't think I can say like that the mother killed the child.

Juror 2D: I'm just trying to think here. The doctor said it was possible that the death was because of a drop from about waist height, but it was unlikely

Juror 1D: Yeah

Juror 2D: Which means it is ultimately slightly more likely that it was the mother's doing but ehh I don't know

Juror 1D: Yeah, but there is not enough for me to be like yeah, she did it

Juror 2D: There is not remotely enough evidence there for me to come to a comfortable decision, and if I can't come to a comfortable decision, I'm going to go with innocent simply because innocent until proven guilty

Juror 1D: Yeah, same

Juror 2D: And there is no proof

Juror 3D: Yeah, well I'm with it, I don't think she done it, and to say that she should have done something about Rosie, they didn't say that she didn't do anything about Rosie either so

Juror 1D: Yeah, yeah, I'm just saying is that is the argument that they have its very tedious, like it's not a very strong argument that they can make

Juror 2D: Yah, you can't use they didn't teach Rosie as any sort of argument like, how do I put that into words. Regardless of what, Rosie was like what seven?

Juror 1D: Mmmm

Juror 2D: Like I reckon it could be hard to teach someone like that

Juror 1D: No, but you can't control a child, like she is going to do what she wants to do

Juror 2D: Like I believe that the cousin stated that Rosie saw them as like dolls

Juror 1D: Mmmm

Juror 2D: And I believe that in her statement she stated that they tried to teach her that that was wrong

Juror 1D: Mmmm

Juror 2D: But it didn't seem to take, and everything the cousin stated to the defence about Rosie's statements was very suspect

Juror 1D: Yeah, and I don't think the cousin was lying, like she wasn't just like saying, ummm, that, what's it called, she wouldn't just lie and say that Rosie said all that stuff I think she actually, I mean I thought I could see that she actually heard that stuff rather than making it up which I don't think she did

Juror 2D: Mmmm

Juror 3D: Well I think she is innocent

Juror 1D: Yeah, me too

Juror 2D: I...

Juror 1D: I just don't think there is yeah... sorry

Juror 2D: I don't think, I don't come to an assumption here, I'm only going innocence over innocent until proven guilty

Juror 1D: Same with me, I don't know if she is innocent, I don't know if she is, but I can't say she is not, because there is not enough evidence to suggest that she isn't innocent, yeah, it's the same with me

Juror 3D: Is that is? Is that all we need to do?

Juror 2D: Were we meant to be discussing this for half an hour?

Juror 1D: I think so, maybe twenty minutes, I think.

Juror 2D: That trial, there wasn't a lot to discuss. Don't real life trials go for a lot longer?

Juror 3D: There was not enough.

Juror 1D: I thought there was going to be another witness, but when she finished, Nicole finished, and that was it I was like oh well this is, there is just not enough evidence

Juror 3D: Yeah. I would like to know where she was, did she pick up the baby after, how did she find it, when did she realise it wasn't breathing

Juror 1D: Yeah, I would like to

Juror 3D: When did it die in comparison to her finding it

Juror 2D: You know it wouldn't have been bad to hear a witness statement from the accused herself

Juror 3D: Well that's what I'm saying, we don't even know when she found the baby like not breathing, because apparently the baby would have died but not cried when it was hurt, so would she have just assumed it was sleeping? At what point did she find it and realise that it had actually passed away?

Juror 1D: Yeah and

Juror 3D: How long it had been sitting injured before she noticed, what was she doing in the time between it getting hurt and it dying and her finding it

Juror 1D: Yeah, because the medical professional said that it wouldn't have been instantaneous but it would have been within the hour

Juror 3D: That's what I mean

Juror 2D: So, what does instantaneous...

Juror 1D: So, did she find the baby

Juror 3D: It would have been crying, it wouldn't have cried, but the thing is it fed one to two hours before they found it, but she reckons it died almost straight away from brain damage, well a baby that had brain damage wouldn't have been able to feed, which means it happened after she fed it, and where was she after she fed it, I don't know where she went after she fed it

Juror 1D: Yeah

Juror 3D: Where did she leave the baby, where was it sitting

Juror 1D: I don't know I think that

Juror 3D: There is too much, too much unanswered questions for my liking

Juror 1D: Yeah, and I can't say like, there is not enough evidence to say that she did it, not even nearly

Juror 3D: Not even slightly. Yup, I'm good with that.

Juror 1D: Yeah me too.

Juror 2D: Hmmm

Juror 3D: You happy?

Juror 2D: Yeah, so we're all going innocent?

Juror 3D: We are yeah

Juror 2D: Fair enough

Juror 1D: Just on the basis that there is not enough evidence I think

Juror 3D: Yeah, there is not enough evidence and there are too many unanswered questions, it's not even about lack of evidence, there is just too many questions, I have far too many questions

Juror 2D: To be honest, I would be just about shocked if any one of us, anyone of us voted guilty, because, admittedly I'm going to assume that they must have been jumping to conclusions or

Juror 1D: yeah

Juror 2D: There are just no conclusions to be made here

Juror 1D: Yeah, I would be surprised

Juror 3D: That's not our job I don't think

Juror 1D: Yeah, we can't fill in the gaps, that's not like, we can't do that, there is too many gaps to fill

Juror 3D: As a juror in a real trial, if you have a lot of questions can you go back and forward to like, can you go to the judge and ask questions and get answers to certain questions

Juror 2D: I was wondering that during the trial myself

Juror 1D: Yeah

Juror 2D: There are questions that I have that I want to ask but like they're not

Juror 1D: I don't think you can, because I think it's not like fair because not everyone is hearing the answers, I don't know, maybe it might be like that, you can't ask you just have to hear what you heard

Juror 3D: Mmmm, see I think that is unfortunate in both cases, because it means that a lot of people could walk away free because there were too many unanswered questions

Juror 1D: And they just walk away, yeah

Juror 3D: But then I suppose that is the prosecutions fault for not getting a good enough case

Juror 1D: Yeah exactly. I just think that the first person who is trying to convict her just didn't have a strong enough case, yes, the medical professional was good but like she was all, it was all based on facts but it wasn't based on what happened, it was just like, and even if it was all just like suggestive so

Juror 2D: It got a pretty significant piece of evidence out of the doctor which was that it is almost certain that the baby got hit on a large flat surface, so either the baby was dropped from a pretty large height or the alternative, a really really funny mental image of somebody throwing the baby at the coffee table

Juror 1D: Yeah

Juror 3D: But the thing that I didn't like is that it had a head injury on both sides, which would mean it would need to be smacked twice, and both injuries, one went down the way and the other went along the way. She didn't say how old them injuries were either, they just said that she found fractures but she didn't say that they were new fractures or they were old fractures

Juror 2D: I thought

Juror 1D: Because if they were new, that would change everything because

Juror 3D: Of course, it would because it means she has been smacked right there

Juror 2D: Also, the fact, that I don't think that the fact that there were two fractures proves that she was hit twice. If it was a strike on the crown of the head, most of the head is cartilage remember, it would have dented and vibrated and cracked on both sides

Juror 3D: Yeah but the cracks, the fractures, one went up and down the way and one went along the way, so you would think that if it went down on its head both fractures would be the same

Juror 2D: No, I don't personally think that

Juror 1D: Yeah that's true

Juror 2D: I think that a single smack would have been enough to create two fractures

Juror 1D: I just think that its too, if she has been like smacked, there is just no proof that that's what happened

Juror 3D: What about the cut on the nose? Where did that come from?

Juror 1D: Yeah

Juror 2D: It ended up being... actually that's a good question

Juror 3D: So, was its smacked face down on the table? On the corner of the edge not the flat surface?

Juror 2D: You are thinking of, if it was on the corner it would not have been, now I'm just sitting here thinking, if there was a cut on the nose, I don't think that a baby would have done that himself, so either that means that was Rosie or the accused and it might suggest abuse

Juror 1D: Yeah

Juror 3D: Consistent with hitting the baby's head against the coffee table more than once

Juror 1D: Yeah and they said they had other issues.

Juror 3D: Or where their toys hanging around and they were smacked in the face with a toy

Juror 2D: They said it was a

Juror 1D: You know Rosie could have picked him up and dropped him, like you know what I mean, like a kid doesn't know, children don't know how much, like what they are doing sometimes and she was quite young so she could have done it to, but also the mother could have done it. There is just not enough evidence, because I don't know if the mother did it, I can't say that she did it based on circumstantial evidence you know.

Juror 3D: Yup, and I believe a child can do that. I have children, my seven-year-old could have done that

Juror 1D: Couldn't have?

Juror 3D: Could have, yup easy

Juror 1D: Oh, could have, yup yup

Juror 3D: And the fact that she had triplets, when you have three babies all in one go, they're all smaller than normal babies. So, the babies to start with are all smaller than normal children, and she was a larger than normal seven-year-old

Juror 1D: Exactly, they said that

Juror 3D: She could have quite easily have done it

Juror 1D: And again, back to the, I just don't think that the, Nicole, the aunt oh no the cousin, would have said like that she said all of this as a lie, like I just don't think that she was lying when she said all that, that she said that Rosie said that she had dropped him and stuff

Juror 2D: You don't think she was lying

Juror 1D: You think she was lying?

Juror 2D: No, but you said you don't think she was lying, what suggests to you that you don't think she was lying?

Juror 1D: I'm just saying from what I saw in the video, I don't think Nicole from the way she was speaking I just don't see her just making up stuff about Rosie

Juror 3D: To get the mother off

Juror 1D: Yeah, I just personally from what I saw, she was still trying to back up Rosie, she wasn't like Rosie is a terrible child, she was just saying she is a bit, she can be a bit more like that, more not aggressive but more hands on

Juror 3D: She's just rough, they don't

Juror 1D: Yeah, and kids are like that I guess, but I don't know. She could be lying, you never know she could be a great actress but I just don't think from that that she was lying

Juror 3D: I just think that there are too many questions that need answered, I want more information and if we're not going to get it, then I just think innocent is the only way you can go

Juror 2D: Mmmm

Juror 1D: Yeah, same

Juror 3D: And not only that, I just think that if she did do it, she is obviously in a pretty dark place and locking her up is not going to help, she still has three other kids to look after, she's got to live with that

Juror 2D: True

Juror 1D: Yeah

Juror 3D: I don't think she did anything wrong, even if she did do it, I just think that she maybe got to a point and made one tiny little mistake and she is paying for it. I don't think she meant to do it if she did do it, as a mother, I don't think she meant to do it

Juror 1D: Okay, if she dropped him by accident, okay fine, but if she went and hit him against the table, I think you know what's wrong and right then. Again, circumstantial

Juror 2D: We have no evidence of that

Juror 1D: Exactly, exactly, no evidence

Juror 3D: And also, the evidence we do have is that she already has a seven-year-old child with no history of abuse

Juror 1D: Yes

Juror 2D: Except we wouldn't have known that the seven-year-old child is abusing the baby, remember.

Juror 3D: Yeah, but what I'm saying is that the mother already has a seven-year-old and there is no evidence against the daughter

Juror 2D: Oh that, yeah that's also pretty strong evidence too

Juror 3D: You would think that in seven years, if you're an abusive person, you would think that in seven years that child is going to be in the hospital at some point with injuries

Juror 1D: Yes, I agree. I just don't think there is enough for it to be set in stone.

Juror 3D: So, is that is, have we talked enough?

Juror 2D: I'm starting to get that feeling

Juror 3D: Cause we're not going to change our mind

Juror 1D: Yeah, we're not going to change our mind.

END OF SESSION

## Appendix E – Small Group Analysis Timeline Table

*Table A-1- Group B Bales Timeline Analysis*

[illegible]

*Table A-2 - Group D Bales Timeline Analysis*

[illegible]



[illegible]

*Table A-3 - Group G Bales Timeline Analysis*

[illegible][illegible]

*Table A-4 – Group H Bales Timeline Analysis*

[illegible]

## Appendix H – Survey Responses

Table A-5 - Survey Responses

Question	Participant Response												Averages		
	d1	d2	d3	b1	b2	b3	g1	g2	g3	h1	h2	h3	Avg	VM	F2F
I was treated respectfully by other jurors	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
some peoples contributions were dismissed by other members of the jury	1	2	1	1	1	1	1	1	1	1	1	1	1.083333	1.166667	1
Over the course of the deliberation we became more comfortable with each other	5	4	5	5	5	5	5	3	5	4	3	4	4.416667	4.833333	4
the other jurors gave me the chance to express my opinions about the case	3	4	5	5	5	5	5	4	5	4	5	5	4.583333	4.5	4.666667
Some people talked over others during the deliberation	3	3	1	3	3	2	3	1	1	1	1	1	1.916667	2.5	1.333333
My participation was valued by the group	4	4	5	5	5	5	5	4	5	4	4	5	4.583333	4.666667	4.5
My group made a fair decision	4	4	5	5	5	5	5	5	5	4	5	5	4.75	4.666667	4.833333
We discussed the relevant facts of the case throughly	3	4	5	5	5	5	5	4	5	4	4	5	4.5	4.5	4.5
Everyone in the group listened respectfully to each other	4	4	5	5	5	5	5	5	5	4	4	5	4.666667	4.666667	4.666667
Every member of the group got the chance to give their opinion	5	4	5	5	5	5	5	4	5	4	4	5	4.666667	4.833333	4.5
I often felt lost and confused about what we were discussing	1	2	1	1	1	1	1	1	1	1	1	2	1.416667	1.166667	1.666667
I took control of the conversation	3	3	1	4	3	2	2	1	3	4	4	2	2.5	2.666667	2.333333
I sat back and listened during the conversation	4	4	1	3	3	5	3	5	4	4	3	5	3.5	3.333333	3.666667
There was strong eye contact between the group	2	1	5	2	1	3	3	5	4	3	4	4	3.166667	2.333333	4
I felt a sense of comradery with my group	3	3	3	5	4	4	4	5	4	4	4	4	3.916667	3.666667	4.166667
I felt as though my opinion was ignored during the deliberation	1	2	1	1	1	1	1	1	1	1	1	1	1.083333	1.166667	1
I found the group got distracted and ended up talking about unrelated ideas	1	1	1	1	1	2	3	1	3	1	1	1	1.416667	1.166667	1.666667
I was distracted from the deliberation by external factors	1	3	1	1	2	1	1	1	1	1	1	1	1.25	1.5	1
I had a strong opinion about the case before we started deliberating	3	4	5	5	4	4	5	5	3	3	2	4	3.916667	4.166667	3.666667
My group managed to change my opinion	1	1	1	1	1	5	1	1	1	1	1	2	1.583333	1.666667	1.5
I was frustrated with my group as I do not think we communicated well	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
I think it would have been easier to deliberate face to face	2	5	1	1	5	4	1	1	4	5	4	1	2.833333	3	2.666667
I think it would have been easier to deliberate on a video conferencing medium	2	2	5	5	1	2	1	1	2	3	2	1	2.25	2.833333	1.666667
The medium we deliberated on impacted the quality of communication	4	3	3	1	5	4	3	1	3	1	4	2	2.833333	3.333333	2.333333
The group communicated clearly and confidently for the duration of the discussion	4	5	5	5	5	5	5	5	5	5	5	5	4.916667	4.833333	5

## Appendix G – Interruption Tables

*Table A-6 - Group H Interruption Timeline*

	0		1				2				3				4				5				6				7				8				9	
Time																																				
Interruption Type	0	15	30	45	0	15	30	45	0	15	30	45	0	15	30	45	0	15	30	45	0	15	30	45	0	15	30	45	0	15						
Back Channel Utterance			1	2	2	1	2	2	1	1	1	1	2	2	1	2				1	2	1	1	2	1	2	1	2								
Simultaneous Speech Pattern													1				1								1					1						
Successful Interruption									1							1	2										1	1		1						
Unsuccessful Interruption										1														1												

	10				11				12				13				14				15				16				17				18				19			
30	45	0	15	30	45	0	15	30	45	0	15	30	45	0	15	30	45	0	15	30	45	0	15	30	45	0	15	30	45	0	15	30	45							
	1	2			2	1			1	1	2	45		0	2	1	3	9		2	1				1	1		2	1		1									
		1				1			1																															
1	1				1				1								1																							

*Table A-7 - Group H Interruption Timeline*

[illegible]

*Table A-5 - Group B Interruption Timeline*

[illegible]

Table A-96 - Group D Interruption Timeline

	0				1				2				3				4				5				6				7				8				9			
Time	0	15	30	45	0	15	30	45	0	15	30	45	0	15	30	45	0	15	30	45	0	15	30	45	0	15	30	45	0	15	30	45	0	15	30	45				
Back Channel Utterance									1	1			1	2			1	1	1	1	1	1	1	1	1	1			1				1			15				
Simultaneous Speech Pattern																			1			1											1		2	1				
Successful Interruption																	1	1			1								1											
Unsuccessful Interruption																					1					1					1			1	2		1			
9	10				11				12				13				14				15				16				17				18				19			
5	30	45	0	15	30	45	0	15	30	45	0	15	30	45	0	15	30	45	0	15	30	45	0	15	30	45	0	15	30	45	0	15	30	45	0	15	30	45		
1	1	1	1								1					1								1				1	1			1				15	30	45		
1				1	1						1										1		1					1	1	1			1			1				
2							1	1							1	1					1				1			2		1				1	1					

## Appendix F – Survey Questions

### **Your Verdict**

Do you believe the accused is guilty beyond a reasonable doubt of any of the charges below? Please give *your personal opinion*, not the outcome of this deliberation. **Choose only one of the following:**

Guilty of manslaughter ☐

**-Or-**

Not guilty of manslaughter ☐

1. How confident are you in your decision? Please indicate your answer on the line below:



### **Group Verdict**

What was the outcome of your group deliberation? **Choose only one of the following:**

Guilty of manslaughter ☐

**-Or-**

Not guilty of manslaughter ☐

1. How confident are you in the groups decision? Please indicate your answer on the line below:



**How likely is it that** (please circle your answer):

	Not at all likely				Very likely
Lynette was a loving mother who did her best for her children?	1	2	3	4	5
We don't have enough information to be sure about how Angus died?	1	2	3	4	5
Rosie, the daughter, picked up Angus when his mother was not present and was sometimes rough in handling him??	1	2	3	4	5
Leaving Angus alone when Lynette took a shower contributed to Angus's death?	1	2	3	4	5

Thinking about the trial as a whole, please answer the following:

	Not at all				Very much
Did you "zone out" or lose concentration at times?	1	2	3	4	5
How fair was the trial?	1	2	3	4	5
How easy was it for you to follow the trial?	1	2	3	4	5
Did you have any problems understanding the trial?	1	2	3	4	5
Were you distracted by anything during the trial?	1	2	3	4	5
Did you feel uncomfortable during the trial?	1	2	3	4	5

The following questions ask you about your **group deliberation**. Please answer as best as you can.

	Strongly disagree				Strongly agree
I was treated respectfully by other jurors.	1	2	3	4	5
Some people's contributions were dismissed by other members of the jury.	1	2	3	4	5
Over the course of the deliberation, we became more comfortable with each other.	1	2	3	4	5
The other jurors gave me a chance to express my opinions about the case.	1	2	3	4	5
Some people talked over others during the deliberation.	1	2	3	4	5
My participation was valued by the group.	1	2	3	4	5
The group made a fair decision.	1	2	3	4	5
We discussed the relevant facts of the case thoroughly.	1	2	3	4	5
Everyone in the group listened respectfully to each other.	1	2	3	4	5
Every member of the group got a chance to give their opinion	1	2	3	4	5
I often felt lost and confused about what we were discussing	1	2	3	4	5
I took control of the conversation	1	2	3	4	5



I sat back and listened to others during the conversation	1	2	3	4	5
There was strong eye contact between the group	1	2	3	4	5
I felt a sense of comradery with my group	1	2	3	4	5
I felt as though my opinion was ignored during the deliberation	1	2	3	4	5
I found the group often got distracted and ended up talking about unrelated ideas	1	2	3	4	5
I was distracted from the deliberation by external factors	1	2	3	4	5
I had a strong opinion about the case before we started deliberating	1	2	3	4	5
My group managed to change my opinion	1	2	3	4	5
I was very frustrated with my group as I do not think we communicated well	1	2	3	4	5
I think it would have been easier to deliberate face to face	1	2	3	4	5
I think it would have been easier to deliberate on a video conferencing medium	1	2	3	4	5
The medium that we deliberated on impacted on the quality of communication	1	2	3	4	5
The group communicated clearly and confidently for the duration of the discussion	1	2	3	4	5

